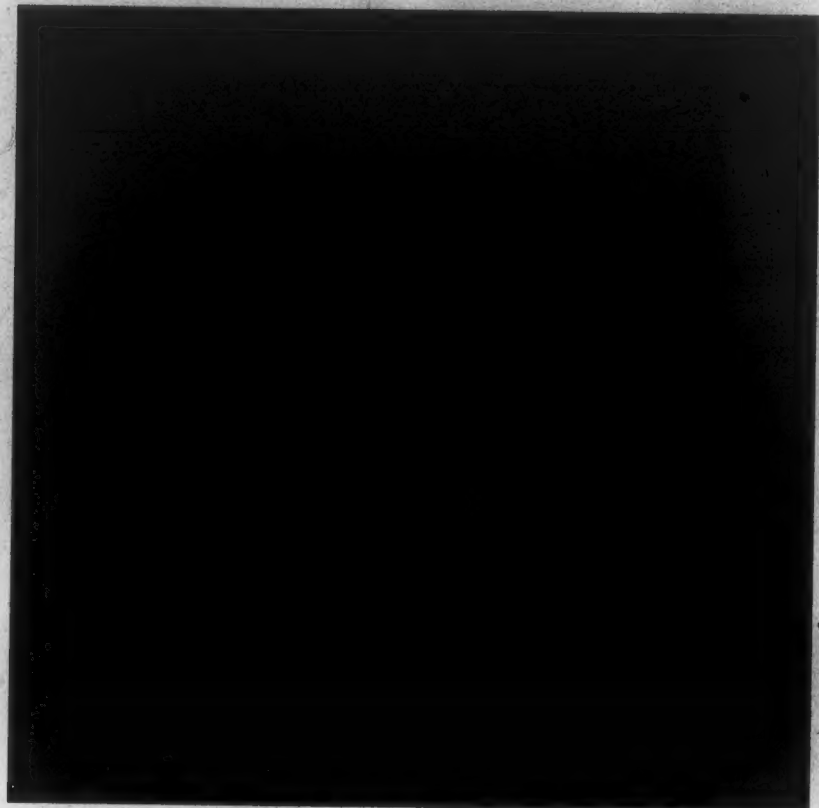
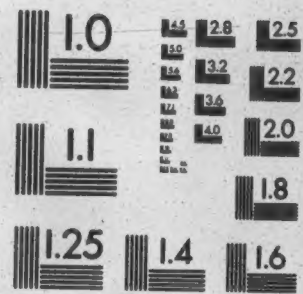
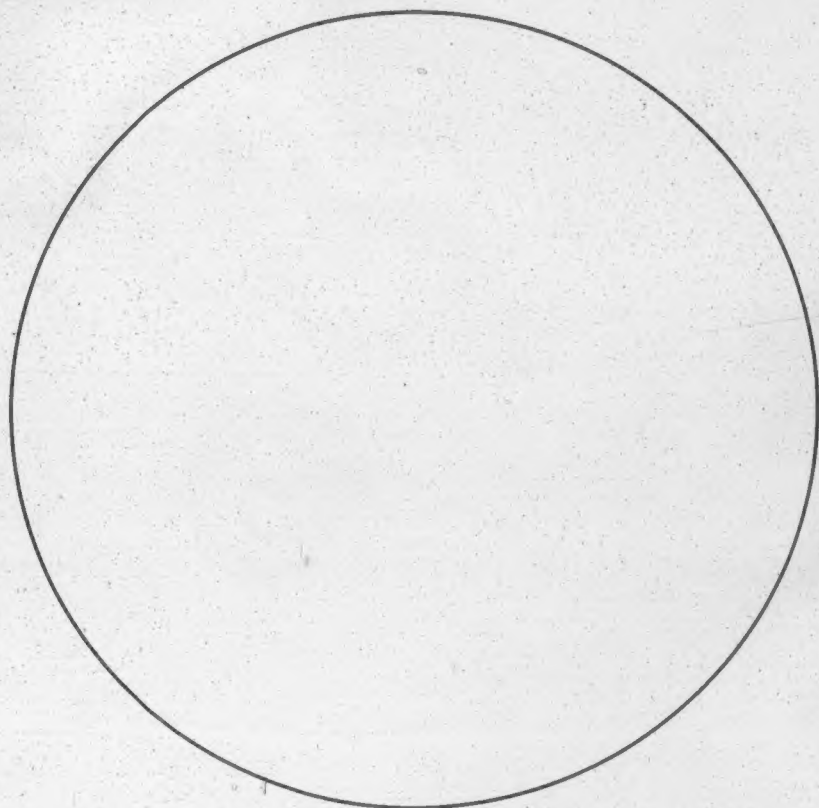
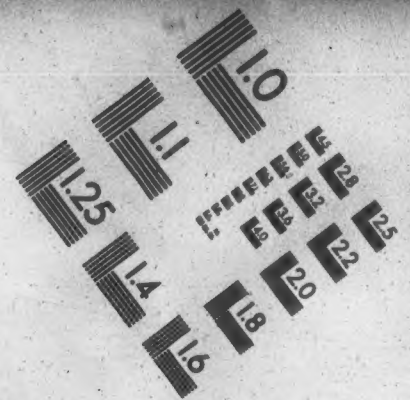
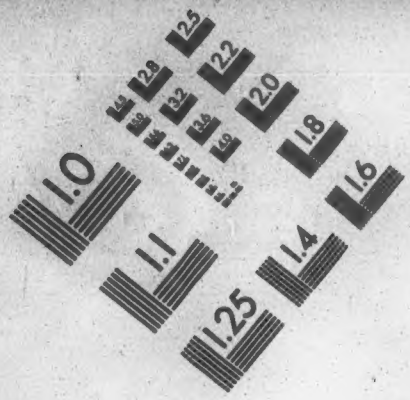
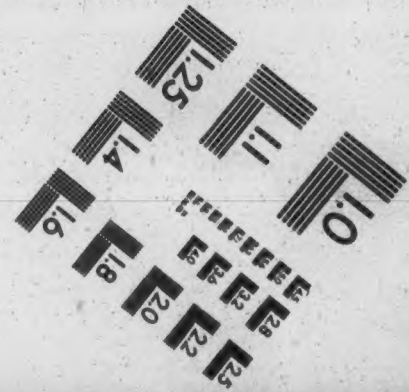
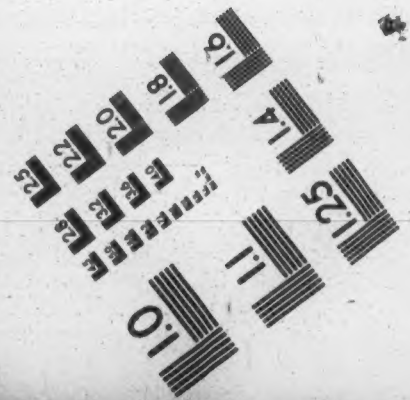
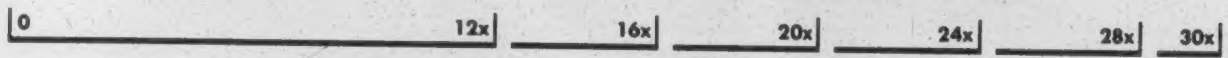




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 153

MISSISSIPPI CHOCTAW MCR 6116 - 6225

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WASHINGTON: 1983

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---(---)

In the matter of the application of Sophia T. Kirk, et al.
for identification as Mississippi Choctaws, M.C.R. 6116.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Sophia T. Kirk, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Sophia T. Kirk, et al., for identification as Mississippi Choctaws-----	9

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 30, 1902.

6116

In the matter of the application for identification as Mississippi Choctaws of Sophia T. Kirk for herself and her five minor children, Isaac T., Verna T., Myrtle E., Doctor V., and Sadie E. Kirk.

Applicants not represented by attorney.

Sophia T. Kirk being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Sophia T. Kirk.
Q S-o-p-h-i-a? A Yes, sir.
Q How old are you? A Fifty-one years old.
Q How much Choctaw blood do you claim to have? A I cannot tell you.
Q What is your post office address? A Muskogee.
Q Muskogee, Indian Territory? A Yes, sir.
Q How long have you lived there? A Two years in April.
Q Where did you live immediately prior to your coming to Muskogee?
A Up here near Wagoner.
Q How long have you lived there? A About a year.
Q How long have you lived in Indian Territory? A Twelve years.
Q Where did you live before that? A I came from Pike County, Missouri.
Q How long did you live in Pike County Missouri? A About thirty years, thirty-five I guess.
Q Where were you born? A In Montgomery County, Missouri.
Q Where else did you live? A In Illinois and in Kansas.
Q Is your father living? A No, sir.
Q What is his name? A Abram Parish.
Q Is your mother living? A No, sir.
Q What was her name? A Elizabeth Brown.
Q That was her maiden name was it? A Yes, sir.
Q Through which parent do you get your Choctaw blood? A From my mother's side.
Q When did your mother die? A She died in Sixty-eight.
Q How old was she when she died? A Fifty-seven years old.
Q Where was she born? A In Kentucky.
Q How long did she live in that state? A From the time she was born until she was about eighteen when she went to Missouri.
Q Died in Missouri? A Yes; in Pike County.
Q She lived in Kentucky and Missouri all of her life? A Yes, sir.
Q Do you remember the year in which she was born? A No, sir; I do not.
Qx Through which one of her parents did she get her Choctaw blood?
A From her mother.
Q What was her mother's name? A Raster Cobb.

Q That was her maiden name? A Yes, sir.
 Q Where was she born? A In Mississippi.
 Q You know the county? A No, sir.
 Q Do you know how long she lived there? A No, sir, I don't for I was small when my mother died and of course I don't know much about it.
 Q You know how much Choctaw blood Master had? A No, I don't.
 Q Through which one of her parents did she get her Choctaw blood? A From her mother but I could not tell who her mother was. Her father was Cobb of course.
 Q Did she marry any one else before she married this man Brown—Master? A No, sir. She never was married but once.
 Q She never was married but once? A No, sir.
 Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
 Q Are you married? A Not now; my husband is dead.
 Q How many times have you been married? A Once.
 Q What was your husband's name? A John Wesley Kirk.
 Q Did he have any Choctaw blood? A No, sir.
 Q Have you any children living? A I have six.
 Q How old is the oldest one? A Twenty-eight years old.
 Q How old is the youngest one? A She is nine.
 Q Give us the names and ages of your children who are under twenty one years of age and unmarried? A Isaac T.
 Q How old? A Twenty.
 Q Not married? A No, sir.
 Q Next one? A Vera T.
 Q That a boy or girl? A Girl.
 Q How old is she? A Eighteen.
 Q Next one? A Myrtle E.
 Q How old is she? A Fourteen.
 Q Next one? A Doctor V.
 Q D-o-c-t-o-r? A Yes, sir.
 Q Boy? A Yes, sir.
 Q How old? A Twelve years.
 Q Next? A Sadie.
 Q Girl—how old? A Yes, sir; eight years old.
 Q That is all of your minor children? A Yes, sir.
 Q Are these five children living with you at this time? A No, the oldest boy is in Colorado.
 Q He is still under your care? A Yes, sir.
 Q You want to make application for him to? A Yes, sir.
 Q Are they all five the children of yourself and John Wesley Kirk? A Yes, sir.
 Q This application is for yourself and five minor children? A Yes, sir.
 Q What is the name of your child who is of age? A Edward Y.
 Q Has he ever been before the Commission? A No, sir.
 Q Have you any children dead? A I have three dead.
 Q Did they die in infancy? A There was one died thirteen months old and one at two years old and one, a girl, at eleven years old.
 Q Is your name or the name of any one of your children for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
 Q Did you ever make application for yourself or these children to the tribal authorities in Indian Territory to be admitted or enrolled as citizens of the Choctaw Nation? A No, sir.

- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No, sir; I never have.
- Q Then neither you nor any of of your children have ever been admitted to citizenship in the Choctaw Nation by either the tribal authority, the Commission to the Five Civilized tribes or the United States Court in Indian Territory have you? A No, sir.
- Q Has any application of any description ever been made before today for you or for these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September 27th 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of those Indians from the country occupied by them to a new country West of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country, in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Choctaw Nation and for the benefit of those who insisted upon being permitted to remain there what is known as the fourteenth article was put into the treaty. That article provides that upon certain conditions a Choctaw who preferred to remain back there in the old Choctaw Nation might receive land from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand the fourteenth article now? A Well I don't hardly know whether I do or not; I guess I do.
- Q I will try to make it perfectly clear to you.

In case a Choctaw who might have been living back there in the old Nation, seventy-two years ago, when this treaty was made, decided that he wanted to stay there and not move out to the new country he had the right to receive land back there from the government upon certain conditions; first he was required to, within six months from February 24, 1831, the day the treaty was ratified, let the agent of the government in Mississippi there know that he wanted to stay there, become a citizen of the States and take land. He was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner was he entitled to one-half that quantity for each unmarried child which was living with him at the time the treaty was made, September 27th 1830, who was over ten years of age; and for each child in his family which was under ten years of age he was entitled to one-quarter section of one hundred and sixty acres of land. The reservations of these children were required by the terms of this article to adjoin the location of the parent and in each and every instance where reservations were made to Indians under this article they were required to include the improvements owned by the head of the family on September 27th 1830. Now if these Indians lived on this land for a period of five years from February 24th, 1831, the date the treaty was ratified they were entitled to a grant in fee simple to the land, that is the government would give them a deed or patent to the land and it would become their property and they could dispose of it at their pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is, if an Indian stayed back there in 1830, took land back there, he should not by reason of his having done so, lose the privilege of Choctaw citizenship but if he ever moved out West why he was not to be entitled to any portion of the Choctaw annuity. Annuity is money which becomes due each year to the Choctaw Indians from the government under treaty provisions.

- Q Now you understand that do you? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits under it? A None that I know of.
- Q What one of your ancestors was living in the old Choctaw Nation in Mississippi and Alabama when this treaty was made, seventy-two years ago? A My great grandfather.
- Q Your great grandfather? A Yes; grandfather Cobb.
- Q You know his given name? A Samuel Cobb.
- Q How much Choctaw blood did Samuel Cobb have? A I could not tell you.
- Q Where was he living at that time? A In---I can't remember the name of the place.
- Q You know the county in which he lived? A No, sir; I do not.
- Q Was it in Leak County? A I never heard the name of the County I was very small when my father and mother both died and I never knew anything about these Indian Affairs until I came to this Territory about twelve years ago and a man came around and took out names and brought them down here and I got a letter

that I had a right in the Territory if I would look it up on the Cobb side. My mother was a Cobb and she was put on the roll when she took the names for this removal to the Western country.

- Q Did Samuel Cobb your great grandfather hold any official position with the Choctaws at that time? A I could not tell you for I don't know.
- Q Your mother if she were living would be way along in eighty? A Yes, sir.
- Q Was she living when this treaty was made? A Yes, sir.
- Q But she never lived in Mississippi? A No, sir; she never lived in Mississippi.
- Q Did she have any brothers or sisters older than she? A Yes, sir.
- Q How many? A There were four of them older than she, two boys and two girls, older than she was.
- Q Well her mother would have been a middle aged woman when this treaty was made? A Yes, sir.
- Q Probably as old as you are now? A Yes, sir.
- Q You never heard of her ever complying with the fourteenth article? A No, sir.
- Q When did she leave the old Nation do you know? A No, sir.
- Q How long before your mother was born? A I could not tell you that; the older children know more about it than I do. I am the youngest child.
- Q Did any one of your Choctaw ancestors own an improvement back there in the old Nation in 1830 when this treaty was made? A I could not tell you that; I suppose that my grandfather did.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there; become citizens and take land? A I don't know.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I had an uncle here in the Territory someplace but I can't tell you where, whether in the Choctaw or Chickasaw and I had a cousin who proved her right up in the Choctaw; she was a Cobb and married a Carpenter.
- Q I am talking about sixty or seventy years ago; you know anything about that? A I don't know.
- Q I want to know whether any of your ancestors moved out to this Choctaw Nation sixty or seventy years ago? A I don't know.
- Q Did any of them ever claim or receive any land from the government under article fourteen of the treaty of Dancing Rabbit Creek? A I could not tell you anything about that.
- Q You never heard of any of them getting any? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there, become citizens and take land. The name of this agent was Colonel William Ward. The records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi, in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great many complaints among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appoint-

ment of Commissioners whose duty it should be to go down to Mississippi and heard the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir; not that I know of.

Q The act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select, in the place of the land so selected by the government land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A None that I know of.

Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q Do you know whether any of them were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the tribe? A No, sir.

Q You know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here to day to testify in your behalf? A No, sir; not today.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from this date and their testimony will be taken or if you should find any written evidence which you desire to offer such proper written evidence as may be submitted to the Commission within a period of fifteen days from this date will receive the consideration of the Commission.

Q Are there any further statements that you desire to make at this time? A No, sir.

Q Have you any brother's or sisters? Two brothers and one sister.

Q What are the names of your brothers? A William Preston is one and Demarcus is the other.

Q Where do your brothers live? A My brother William lives in Ralls County Missouri and the other in Port Arthur Texas.

Q What is the name of your sister? A Louisa A. Watson.

Q Where does she live? A In the Cherokee Nation.

Q Have these people been before the Commission? A No, sir.
 Q They are all older than you are? A Yes, sir.
 Q Have you any brother's dead? A I have one.
 Q Did he leave any children? A No, sir.
 Q Have you any sisters dead? A No, sir.
 Q Did your mother ever have any brothers? A She had several brothers, four.
 Q You know their names? A John Brown is one; William, Harrison Brown and Jackson Brown.
 Q Did John leave any children? A Yes; but I can't tell you how many.
 Q You know their names? A No, sir.
 Q Did Harrison leave any children? A No, sir.
 Q Did William leave any? A One.
 Q That child living? A No, sir.
 Q What was his name? A William.
 Q Did Jackson leave any children? A He had four.
 Q What are their names? A William, Harrison, Mary and Manda.
 Q The girls married? A Yes, sir.
 Q What are their married names? A I don't know.
 Q Did your mother ever have any sisters? A Yes; she had several sisters.
 Q What are their names? A Mahulda Parsons.
 Q Next one? A Sallie Canady.
 Q Next one? A Lucinda Addlesby and Mary Addlesby.
 Q That all? A And Nellie Morrison.
 Q Did they leave children any of them? A Well Sallie Canady left some but I don't know whether the others left any or not.
 Q You know the names of Annie of your aunt Sallie's children? A Part of them.
 Q Name those you remember? A William is the oldest.
 Q Next one? A Lucinda Canady.
 Q Next one? A Elizabeth Canady.
 Q Next one? A Pearson Canady.
 Q Next one? A Christopher Canady.
 Q Next one? A Monina.
 Q Next one? A Lucinda.—That is all.
 Q You gave Lucinda once? A Yes; I can't remember the youngest one.
 Q You don't know the names of any of the children of your mother's other sister? A Yes; I know three of aunt Nellie's children; William, Harrison and Mary—their names is Morrison.
 Q Do you speak or understand the Choctaw language? A No, sir.
 Q Have any of these relatives been before the Commission? A No, sir; none at all.

This applicant appears to be a white woman; shows no particular indications of being possessed of Indian blood; although she has black hair; rather dark complexion and her cheek bones are rather inclined to be prominent; she has brown eyes. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 30, 1902, and that the above and foregoing is a

full, true and correct transcript of his stenographic notes in
said cause on said date of July 1902.

Subscribed and sworn to before me this 28 day of August 1902.

B. C. Jones
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OH
In the matter of the application of Sophia T. Kirk, et al.,
for identification as Mississippi Choctaws, M.C.R. 6116.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sophia T. Kirk for herself and her five minor children, Isaac T., Verna T., Myrtle E., Doctor V. and Sadie Kirk, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Samuel Cobb, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support

of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Sam Cobb appears on pages 411, 412 and 413, Samuel Cobb on pages 18, 156, 160, 214, 216, 336, 337, 410, 434 and 467, and Captain Samuel Cobb on pages 295, 581 and 582, Volume I of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear from the evidence submitted by the applicants herein that the Samuel Cobb, through whom they claim, is identical with any of the persons whose names appear in the record above cited.

It is further found that the name Captain Cobb appears on page 107 and Captain Samuel Cobb on page 121 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name Captain Cobb also appears on page 137 of said record in "a list of claims allowed under the treaty in Greenwood Leflore's

district", apparently under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Samuel Cobb, through whom these applicants claim, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia T. Kirk, Isaac T. Kirk, Verna T. Kirk, Myrtle E. Kirk, Doctor V. Kirk and Sadie Kirk, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applica-

tion for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James P. Smith

Chairman.

(SIGNED)

T. B. Needles

(SIGNED)

J. R. Breckinridge

(SIGNED)

W. E. Stanley

Muskogee, Indian Territory,

NOV 2 1900

COPY.

Muskogee, Indian Territory, November 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia T. Kirk et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia T. Kirk, Isaac T. Kirk, Verna T. Kirk, Myrtle E. Kirk, Doctor V. Kirk and Sadie Kirk, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Smith
Chairman.

N.O.R. 6116.

COPY.

Muskogee, Indian Territory, November 21, 1903.

Sophia T. Kirk,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia T. Kirk et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia T. Kirk, Isaac T. Kirk, Vera T. Kirk, Myrtle E. Kirk, Doctor V. Kirk and Sadie Kirk, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

S T K 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James H. H. H.
Chairman.

Register.

COPY.

Muskogee, Indian Territory, December 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sophia T. Kirk, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 21, 1903.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tamr Dicoby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. M.C.R. 6116.

(Copy)

Refer in reply to
the following:

Land.
79,952-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington,

Jan. 21/ 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Sophia T. Kirk for herself and her five minor children, Isaac T., Verna T., Myrtle E., Doctor V. and Sadie Kirk, for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the commission November 21, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Samuel Cobb and Easter Cobb, it being claimed that they were Choctaw Indians and residents in Mississippi in 1830.

The name of Samuel Cobb appears on the records of the Commission as follows:

"It is found that the name Sam Cobb appears on pages 411, 412 and 413, Samuel Cobb on pages 18, 156, 160, 214, 215, 336, 337, 410, 434 and 467, and Captain Samuel Cobb on pages 295, 581 and 582, Volume I of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims,

No. 12742, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears that the name of Captain Cobb is found on page 107 and Captain Samuel Cobb on page 121 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the 19th article of said treaty.

The name Captain Cobb also appears on page 127 of said record in "a list of claims allowed under the treaty in Greenwood Leflore's district", apparently under the 19th article of said treaty.

The Commission state the record above referred to in no way relates to article 14 of the treaty of 1830, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

An examination has been made of the records of this office with reference to the names of Samuel Cobb and Easter Cobb, and it is discovered that there was a Samuel Cobb who received land who had one child over 10 and four children under 10 at the date of the treaty of 1830.

The records above given by the commission are found to be correct. After a careful consideration of the records and evidence in this case, it is the opinion of this office that the decision of the commission rejecting the applicants is correct, as there is nothing in the evidence that would identify the Sam Cobb claimed under with the Samuel Cobb that appears in the records of this office, as above set forth, nor do they show that their alleged ancestors complied or attempted to comply with the provisions of said article and treaty, and in fact, give but very little information of any value in their case relative to the alleged ancestors.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

A. C. Tønner,

Acting Commissioner.

(C.T.C.) P.

C O P Y

J. W. H.

DEPARTMENT OF THE INTERIOR,
Washington.

FHE

I.T.D. 574-1904.

January 29, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 7, 1903, you transmitted the record in the case involving the application of Sophia T. Kirk, for the identification of herself and her five minor children, Isaac T., Verna T., Myrtle M., Doctor V. and Sadie Kirk, as Mississippi Choctaws, including your decision of November 21, 1903, refusing to identify them as such.

The principal applicant, Sophia T. Kirk, through whom the others claim descent, was born in 1851. She has resided in the Indian Territory since 1890. Her mother, Elizabeth Brown, was the daughter of Easter Brown, nee Cobb, who was born in Mississippi. Easter Cobb was the daughter of a Choctaw named Samuel Cobb.

From your decision and from the report of the Indian Office relating to this case, it appears that there was a Samuel Cobb who received land under the provisions of article 14 of the treaty of September 27, 1830. This land was issued to him for himself and ^{his} children, one of whom was over ten and four of whom were under ten years of age.

Reporting in the matter January 21, 1904, the Acting

Commissioner of Indian Affairs recommends that your action rejecting these applicants be approved, because the testimony furnished by them fails to show that the ancestor, Samuel Cobb, was the identical Choctaw to whom patent was issued under said article 14. A copy of his letter is enclosed.

The Department does not consider that a final decision should be rendered in the matter at this time. In such cases it is the well established practice of the Department to permit applicants to show, if possible, that their ancestor was identical in person with the Choctaw of the same name to whom patent issued. The case is therefore remanded to you for further investigation. It is desired that in advising the applicants hereof, you inform them as to what proof is required of persons seeking identification as Mississippi Choctaws, following, as far as they are applicable, the instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Respectfully,

THOS RYAN

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, February 10, 1904.

Sophia T. Kirk,

Muskogee, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of January 29, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be allowed an opportunity to submit additional evidence in support of your claim.

The record in this case shows that your mother, Elizabeth Brown, was the daughter of Easter Brown, nee Cobb, who was born in Mississippi, and that Easter Cobb was the daughter of a Choctaw named Samuel Cobb. It further appears that there was a Samuel Cobb who received land under the provisions of article 14 of the treaty of September 27, 1830. This land was issued to him for himself and his children, one of whom was over ten, and four of whom were under ten years of age.

The Secretary of the Interior in his letter states that it is the well established practice of the Department to permit applicants to show, if possible, that their ancestor was identical in person with the Choctaw of the same name to whom patent issued,

S T K 2

and therefore remands this case for further investigation.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to

S T K 3

comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

The Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, March 10, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support

S T K 4

of this case, notice of the taking of testimony or offering documentary evidence being first served upon the attorneys for the Choctaw and Chickasaw Nations, Messrs. Mansfield, McMurray & Gornish, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered

R & R Dep.

Muskogee, Indian Territory, February 10, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of January 29, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Sophia T. Kirk for the identification of herself and minor children as Mississippi Choctaws, with instructions that the principal applicant be allowed an opportunity to introduce additional testimony and evidence in support of her claim.

In accordance with the above referred to instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, March 10, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or submitting documentary evidence being first served upon you.

Respectfully,

Commissioner in Charge.

M C R 6116

Muskogee, Indian Territory, February 20, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting copy of letter of Commissioner of Indian Affairs and copy of letter of Secretary of the Interior remanding the Mississippi Choctaw case of Sophia T. Kirk, et al.

Copies of such letters are herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 38

M C R 6116

Muskogee, Indian Territory, February 20, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In compliance with your request of February 17, 1904,
there is herewith enclosed you one copy of the testimony of Sophia
T. Kirk given in the matter of her application for identification
as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

McM 39

Muskogee, Indian Territory, April 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On December 7, 1903, the Commission transmitted the record in the Mississippi Choctaw case of Sophia T. Kirk, et al., together with its decision of November 21, 1903, refusing said application.

The Department, with its letter of January 29, 1904 (I.T.D. 574-1904), returned the record theretofore forwarded the Department in this case with instructions that the principal applicant be granted further opportunity to introduce additional evidence in support of her claim.

In accordance with such instructions, the several parties in interest were, on February 10, 1904, notified that they would be allowed up to and inclusive of Thursday, March 10, 1904, to introduce additional testimony and evidence in this case.

No appearance having been entered by or on behalf of the applicant or the attorneys for the Choctaw and Chickasaw Nations, and no additional testimony or evidence having been offered by any of the parties in interest, the original record, together with copies of notice furnished the principal applicant and the

Secretary 2.

attorneys for the Choctaw and Chickasaw Nations are herewith enclosed.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

JYM-3.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND
22287-1904.

WASHINGTON, April 23, 1904.

The Honorable,

Secretary of the Interior.

Sir:

Permit me to invite your attention to letter of the Commission to the Five Civilized Tribes of April 1, 1904, referring to the fact that the Department, with its letter of January 29, 1904, (I.T.D. 574-1904), returned the record in the Mississippi Choctaw case of Sophia T. Kirk et al., for identification as Mississippi Choctaws in order that the applicants might be granted further opportunity to introduce evidence in support of their claim.

In accordance with the instructions of the Department the several parties in interest were, on February 10, 1904, notified by the Commission that they would be allowed up to and inclusive of Thursday, March 20, 1904, to introduce additional evidence in this case.

No appearance was entered by or on behalf of the applicants or attorneys for the Chickasaw and Choctaw nations in response to this notification up to and including April 1, 1904, and no additional evidence having been offered by any of the parties in interest, the original record together with copies of notices furnished the principal applicant and the attorneys for the Choctaw and Chickasaw nations are enclosed.

The applicants base their right to identification as Mississippi Choctaws on a descent from Samuel Cobb through his daughter Easter Brown and her daughter Elizabeth Brown. The original record was not sufficient to justify the conclusion that the applicants were actually descendants from Samuel Cobb who was the beneficiary under the 14th article of the Choctaw treaty of 1830, and in order that they might have an opportunity to establish their descent from the 14th article beneficiary, if such were the case, the record was remanded. The applicants having failed on this further opportunity having been accorded them to appear or submit additional testimony in support of their claim and the record being insufficient without additional testimony to justify their identification, I recommend that the original decision of the Commission rejecting them be approved.

Very respectfully,

A. C. Tonner,

Commissioner.

MBH-X

JWH

DEPARTMENT OF THE INTERIOR,

FHE

I. T. D. 3486-1904.

WASHINGTON,

May 7, 1904.

GRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 1, 1904, you resubmitted the record in the matter of the application of Sophia T. Kirk (M.C. R. 6116), et al., for identification as Mississippi Choctaws.

The record in this case was returned to you January 29, 1904, for further investigation. You now report that notwithstanding the parties in interest were duly notified of the opportunity extended to them, they have failed to introduce additional testimony in support of their claim. Inasmuch as no appearance has been entered by or on behalf of the applicants or the attorneys for the Choctaw and Chickasaw Nations, and no additional testimony or evidence having been offered by any party in interest, you now return the original record, with copies of notices furnished the principal applicant and said attorneys.

Reporting in the matter April 23, 1904, the Acting Commissioner of Indian Affairs recommends that your original decision of November 21, 1903, which was adverse to the applicants, be approved.

The Department concurs in this recommendation. Your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,
Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY. W.O.R. 6116

Muskogee, Indian Territory, May 31, 1904.

Manfield, McMurtry & Cornish,

Attorneys For Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Sophia T. Kirk et al., of which decision you were advised by mail on the 21st day of November, 1903.

Respectfully,

SIGNED

James Bixby.

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6116

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1904.

Sophia T. Kirk,

Muskogee, Indian Territory,

DEAR MADAM:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sophia T. Kirk et al., of which decision you were advised by registered mail on November 21, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date

JUL 30 1902

Name *Sophia T. Kirk*

Age *51* Blood *don't know*

Post-Office, *Muskogee, I. T.*

Father: *Abram Parish d*

Mother: *Elizabeth 1" d*

Claims through *mother.*

husband
John Wesley Kirk. d

No Choctaw blood.

Self has 5 children.

Children:

<i>Isaac</i>	<i>T. Kirk</i>	<i>m 20</i>
<i>Verna</i>	<i>T.</i>	<i>" F 18</i>
<i>Myrtle</i>	<i>E.</i>	<i>" F 14</i>
<i>Doctor</i>	<i>V.</i>	<i>" m 12</i>
<i>Sadie</i>	<i>E.</i>	<i>" F 8</i>

Stenographer

G. Rosenwinkel

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

McR
6/16

Sophia T. Kirk

from U.S.

Muskogee, Indian Territory.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

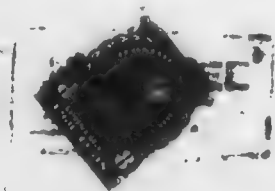
JUL 8 1904

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MUSKOGEE, IND. TER.
APR 8 - 1904
REGISTERED

REGISTERED
FEB 11 1904
MUSKOGEE, IND. TER.



APR 8 - 1904

W. L. Kirk,

Muskogee, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 8 1904



CHAD



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Sophia T. Kirk,

Muskogee, Indian Territory.

Second Notice.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 9 1904



Choctaw MCR 6117

James T. Marshall.

See MCR 1631

MCR 6117

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 25, 1902.

6117

In the matter of the application for identification as Mississippi Choctaws of James T. Marshall for himself and his six minor children, James P., Mary E., Eva E., Johnnie T., Clara and Ida Marshall.

Applicants not represented by attorney.

James T. Marshall being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A James T. Marshall.
Q How old are you Mr. Marshall? A Fort-one.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Springtown.
Q Where? A In Parker County, Texas.
Q How long have you lived in Texas? A I first went there in eighty-one.
Q Where did you live before that? A In Mississippi.
Q What County? A Carroll County.
Q Born in Mississippi were you? A Yes, sir.
Q Is your father living? A No, sir; he is dead.
Q What was his name? A Stephen Long Marshall.
Q Is your mother living? A No, sir.
Q What was her name? A Mary Elizabeth.
Q Through which one of your parents do you get Choctaw blood? A From my father.
Q How old would your father be if living now? A He died in eighty-five and he was forty eight years old.
Q About sixty-five now then? A Yes; that is the best of my knowledge about the time he died.
Q Where was he born? A In Mississippi.
Q What County? A Now, I don't know that; I could not tell you what county.
Q Did he live in Mississippi all of his life? A As far as I know until he moved to Texas; he died in Texas; he moved to Texas in eighty-three.
Q Were your father and mother legally married? A Yes, sir.
Q How long did they live together as husband and wife? A Twenty-nine years.
Q Until the death of one of them? A Yes, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother and you will be allowed a period of fifteen days to furnish such evidence.

- Q Through which one of his parents did your father get his Choctaw blood? A From his mother.

Q What was her name? A That would be mighty near too hard for me now.

Q You don't remember her name? A I never seen her; she died before I was born.

Q What was your father's father's name? A John P. Marshall.

Q How much Choctaw blood did your father's mother have? A Well I have been taught that she was half.

Q You know the names of her parents? A Yes, sir.

Q What were the names of your father's mother's parents? A I can't tell you now.

Q Did your father's mother have any children older than your father was? A No, sir; he was the oldest child.

Q You know the year in which she was born; your father's mother? A No, sir; I don't know that.

Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? Not that I know of.

Q Are you married? A Yes, sir.

Q Wife living? A Yes, sir.

Q What is her name? A Mollie.

Q Has she any Choctaw blood? A No, sir; not that I know of.

Q You make no claim for her then? A No, sir.

Q You been married more than once? A No, sir.

Q Has she? A No, sir.

Q How many children have you living? A Yes, sir.

Q What are their names and ages, the oldest first? A James P.

Q How old is James P? A AHe is fourteen years old.

Q Next one? A Mary E.

Q How old is she? A Twelve.

Q Next one? A Eva E.

Q How old is she? A Ten.

Q Next one? A Johnnie T.

Q Boy or girl? A Girl.

Q How old is she? A She is eight.

Q Next one? A Clara.

Q How old is she? A Two years old.

Q That is all? A No, sir.

Q Next one? A I don't know really what is the given name; I reckon I will have to give it in.

Q You will have to name it now? A Well I reckon we have decided on Ida.

Q What? A Ida.

Q Girl? A Yes, sir.

Q How old is she? A Three months.

Q Are these children all living with you at this time? A Yes, sir.

Q Are they all the children of yourself and your wife Mollie? A All we have got living.

Q This application then is for yourself and your six children? A Yes, sir.

Q Is your name or the name of any one of these children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I could not tell you.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Choctaw tribe of Indians? A I never have.

Q Did any one else ever make such application in your behalf or in behalf of these children? A No, sir.

Q

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself and any of these children under the act of Congress approved June 10, 1896?
A No, sir.

Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, have you? A Not that I know of.

Q Has any application of any description ever been made before to-day for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not that I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27th 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who insisted upon being permitted to remain there, what is known as the fourteenth article was put into the treaty. That article provides that upon certain conditions a Choctaw who preferred to remain back there in the old Nation and not remove to this new country might receive land there. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand the fourteenth article? A I don't know.

Well in case a Choctaw who might have been living in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made, decided that he wanted to stay back there and not move out West to this new country with the rest of the tribe he had the right to do so and likewise at the time receive certain lands back there from the government under certain conditions.

- Q A This question that you asked me a while ago I believe I can answer now.
- Q What is that? A About who they came from; it was the Leflores.
- Q You claim through the Leflore family? A Yes, sir.
- Q We will get to that further on. I will go ahead and explain this article to you.

If a Choctaw desired to stay there, this Choctaw was required to let the Agent of the government there in Mississippi in 1831 know, within six months from the ratification of the treaty the treaty was ratified on February 24, 1831, that he wanted to stay there, become a citizen and take land. The name of this agent was Colonel William Ward; he was called Colonel Ward. After a Choctaw had let this agent know that he wanted to stay back there and become a citizen he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each unmarried child that was living with him over ten years of age at the time the treaty was made; and a quarter section to such child living with him at the time the treaty was made as might be under ten years of age. The reservations of the children were required to adjoin the location of the parents and reservations so made to these Indians under this article of the treaty were required in each and every instance to include the improvements owned by the head of the family on September 27th 1830, the date the treaty was made. Now if these Indians lived on this land intending to become citizens for five years from February 24, 1831, they were entitled to a grant in fee simple, that is the government would give them a deed or patent to the land and it would become the property of the Indians and they could dispose of it at their own pleasure. The last clause of the fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is, if an Indian stayed there, took land under the fourteenth article he should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever removed he was not entitled to any portion of the Choctaw annuity. This Choctaw annuity is money which becomes due to the Indians each year from the government of the United States under treaty provisions.

- Q A I don't know but I was taught that they did that; I would have to get that proof.
- Q You understand the fourteenth article? A Yes, sir.
- Q Did any of your Choctaw ancestors live back there in the old Nation in 1830 when this treaty was made? A I think they did but I could not really answer it positively.
- Q Which one do you think lived there? A Possibly grandfather I guess.

#4

- Q What was his name? A I could not tell what old head it was for I don't know.
- Q You said something about the Leflores a while ago; who were they? A They were some of the Choctaw Indians so I have been taught.
- Q Well were they relatives of yours? A Yes, sir.
- Q What relation were any of the Leflores to you? A I think my grandmother was a Leflore.
- Q Your father's mother? A Yes, sir.
- Q What was her father's name? A Well that is wrong, I think it was his grandmother that was a Leflore; my grandmother was a Long.
- Q What was her given name; your grandmother? A Martha something.
- Q Martha Long and she married a Marshall? A John P. Marshall, Yes, sir.
- Q Now what was her mother's name? A I could not tell you.
- Q She was a Leflore? A Yes, sir.
- Q You know her father's name? A It was Leflore.
- Q I mean the given name? A No, sir; I don't know that.
- Q Did any of your Choctaw ancestors own an improvement back there in the old Nation at the time this treaty was made? A I could not tell you myself.
- Q Did any of them within six months after the treaty was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens and take land? A I could not tell you myself.
- Q Did any of them claim or receive any land from the government of the United States back there in the old Nation under this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain back there, become citizens and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi sold the land upon which the Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1845 providing for the appointment of Commissioners whose duty it should be to go to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know sir

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land in place of the land so sold by the government land some place

also in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
- Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when the treaty was made? A No, sir; I do not.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes; I think I do.
- Q Who? A One of my grandfather's brothers.
- Q What is his name? A Ben Marshall.
- Q Where does he live? A In Mississippi.
- Q What County? A Carroll County.
- Q How old is he? A I don't know but he is up in years. I think he is older than my grandfather. Grandfather has been dead several years and he was getting up pretty old when he died.
- Q Do you know any one else besides Ben? A No, sir; I don't know only Pa has one brother but I don't know whether he could tell anything; he might.
- Q You know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with this treaty provision or ever received any benefits thereunder? A No, sir; I don't know of any.
- Q You have none with you at this time? A No, sir.
- Q Have you any witnesses here to day? A No, sir.

If you should find any witnesses whose testimony you desire to offer they may appear before us here at Muskogee within a period of fifteen days from this date and their testimony will be taken; or if you should find any written evidence of any description that you desire to offer such proper written evidence as you may offer within fifteen days from this date will receive the consideration of the Commission.

- Q Any further statements you desire to make? A No, sir.
- Q Have you any evidence of the marriage of yourself and Mollie at this time? A Yes, sir.

Certified copy of the marriage license and certificate of the marriage between J. T. Marshall and M. E. Garrett offered in evidence, identified as exhibit "A" filed and made a part of the record in this case.

- Q Are you the J. T. Mitchell referred to in this license? A Yes, sir.
- Q Is your wife the Mary E. Garrett referred to in this license? A Yes, sir.
- Q Have any of your relatives been before the Commission? A My brother has.
- Q What is his name? A William-----W. H. Marshall.
- Q When did he appear before the Commission? A This year some time.
- Q Where does he live? A In Red River County.
- Q Texas? A Yes, sir.

#6

Q Have you any other brothers living? A No, sir; only ones.
Q Any sisters living? A Two.
Q They been before the Commission? A No, sir; I aint' positive about that.
Q What are their married names? A One of them is Rolliter.
Q What is her given name? A Eva, E-v-a.
Q Next one? A Abbie Merrill.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Has your father any brothers living? A One.
Q What is his name? A Billie Mitchell.
Q Where does he live? A In Mississippi.
Q What county? A Carroll County.
Q Ever appear before the Commission? A Not that I know of.
Q Your father any sisters living? A Yes, sir.
Q How many? A I said "Yes" I have been away from them so long, I think he has got two.
Q What are their names? A Martha Ann.
Q Martha Ann what? A She married twice, the last time that she was divorced she was going by the name of Williams.
Q What was her married name the first time? A It was Wood, and she was divorced from Williams.
Q What are the other sisters names? A All I have heard is Sue, that is what we always call'd her.
Q What is her married name? A Ory.
Q None of your relatives except your brother have appeared before the Commission so far as you know? A Yes, sir; that is all I know.

Reference is here made to William H. Mitchell, et al., M C R 5009, the principal applicant in said case and the principal applicant in this case being full brothers.

This applicant has the appearance of being a white man; he shows no particular indications of being possessed of Indian blood; he has dark hair; blue eyes and rather dark complexion. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1836.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 30, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 28 day of August 1902.

B. A. Jones
Notary Public.

COPY.

M.C.R. 6117

Muskogee, Indian Territory, August 5, 1903.

James T. Marshall,

Springtown, Texas.

Dear Sir:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel B. Long, et al., embracing the following applications for identification as Mississippi Cheetaws:

Samuel B. Long, et al.	M.C.R. 1631
Lorense B. Long, et al.	M.C.R. 1667
Presley Groves, et al.	M.C.R. 2109
Mignon Hutchins, et al.	M.C.R. 2130
Laura Peterson	M.C.R. 2154
Alpha Brantley, et al.	M.C.R. 2131
Iredell G. Groves	M.C.R. 2160
Lillie B. Gilbert, et al.	M.C.R. 2172
Mattie Leflore Johnson, et al.	M.C.R. 2114
Lewis A. Johnson, et al.	M.C.R. 2153
William C. Johnson, et al.	M.C.R. 2162
Mary M. Johnson	M.C.R. 2163
Rufus L. Johnson, Jr.	M.C.R. 2164
Sylvia A. Johnson	M.C.R. 2179
Minnie M. Thompson, et al.	M.C.R. 2180
Allen H. Moss, et al.	M.C.R. 2177
Charles M. Moss, et al.	M.C.R. 2178
Elijah L. Moss, et al.	M.C.R. 2184
Arabula Stokes, et al.	M.C.R. 3651
Solomon Leflore, et al.	M.C.R. 4701
William H. Marshall, et al.	M.C.R. 5009
James T. Marshall, et al.	M.C.R. 6117

James T. Marshall, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Long, Malcolm Long, Doc Ball, Halsey Ball, Percy Ball, Lorenzo S. Long, Olga Long, Matthews Long, Hinds Long, Presley Groves, Myrtle Groves, Mignon Hutchins, Orville Hutchins, Mena Hutchins, Clyde Hutchins, Mamette Hutchins, Frank Hutchins, Louie Hutchins, Jules Hutchins, Josephine Hutchins, Laura Peterson, Alpha Brantley, Colonel Brantley, Lucile Brantley, Elvie Brantley, Iredell C. Groves, Lillie B. Gilbert, Sir Walter Scott, George Darden Scott, John Sherrill Scott, Mattie Leflore Johnson, Rufus Barnett Johnson, Bennie Lewis Johnson, Irene Johnson, Lewis A. Johnson, Horace Johnson, Lewis Johnson, Rufus Johnson, William E. Johnson, Annie C. Johnson, Neva Johnson, Judith Johnson, Cauthen Headbetter Johnson, William G. Johnson, Mary M. Johnson, Rufus L. Johnson, Jr., Sylvia A. Johnson, Minnie M. Thompson, Claude Thompson, Eunice Thompson, Zella Thompson, Jimmie Thompson, Allen H. Moss, Paul B. Moss, Charles M. Moss, Minnie Moss, Annie May Moss, Elijah L. Moss, Erin Moss, George Moss, Talmadge Moss, Kate Emma Moss, Arabula Stokes, Willie Alphonso Stokes, Ossie Ola Stokes, Arra Bertha Stokes, Ada Belle Stokes, Alice Bertie Stokes, Ella May Stokes, Solomon Leflore, Susan Leflore, Mary W. Leflore, Luvertus Leflore, Martha Leflore, William H. Marshall, Jennie Evie Marshall, Lee Marshall, James T. Marshall, James P. Marshall, Mary E. Marshall, Eva H. Marshall, Johnnie T. Marshall, Clara Marshall and Ida Marshall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

James T. Marshall, -3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.

MCR 6117

Muskogee, Indian Territory, October 30, 1905.

J. B. Kerby,

Springtown, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting to be advised as to what steps Mr. J. T. Marshall of your city should take to secure his rights as a Mississippi Choctaw.

In reply you are informed it appears from the records of this office that on July 30, 1902, James T. Marshall, of Springtown, Texas, appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the identification of himself and six minor children as Mississippi Choctaws. This application was consolidated with and made a part of the Mississippi Choctaw case of Samuel B. Long, et al.

August 5, 1903, the Commission to the Five Civilized Tribes rendered a decision in said consolidated case adverse to all the applicants and forwarded said decision and the record in the case to the Secretary of the Interior for his consideration.

Up to the present time this office has not been advised of Departmental action on the case in question.

Respectfully,

Commissioner.

MUR-6117

Muskogee, Indian Territory, February 20, 1907.

James T. Marshall,
Springtown, Texas.

Dear Sir:-

You are hereby notified that on February 13, 1907, the Secretary of the Interior affirmed the decision of the Commission to the five civilized tribes of August 5, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Samuel B. Long et al.

Respectfully,

Commissioner.

No. 6117

For Identification as a Mississippi Choctaw.

JUL 30 1902

Date

Name James T. Marshall

Age 41 Blood 1/16

Post-Office, Springtown, Tex.

Father: Stephen L. Marshall d

Mother Mary E. " d

Claims through father
wife Marlene

to claim for wife
Self and 6 children

Children:

<u>James P. Marshall</u>	<u>14</u>
<u>Mary E. " F</u>	<u>12</u>
<u>Eva E. " F</u>	<u>10</u>
<u>Johnnie J. " F</u>	<u>8</u>
<u>Clara " F</u>	<u>2</u>
<u>Ida " F</u>	<u>3mo</u>

Stenographer

G. Rosenwinkel

Choctaw MCR 6118

Anderson Butler

MCR 6118

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Anderson Butler, et al.,
for identification as Mississippi Choctaws, M. C. R. 6118.

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List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Anderson Butler, et al.

-----0-----

Page.

Original application of Anderson Butler, et al.,
to the Commission to the Five Civilized Tribes,
for identification as Mississippi Choctaws, 1

Decision of the Commission to the Five Civilized
Tribes, refusing the application for identification
as Mississippi Choctaws in the case of Anderson
Butler, et al., 6

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 30, 1902.

6118

In the matter of the application for identification as Mississippi Choctaws of Anderson Butler and his two minor children, Helen and Muren Butler.

J. C. Lowry, attorney for applicants.

Anderson Butler being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Anderson Butler.
Q How old are you? A I am thirty-eight.
Q How much Choctaw blood have you? A Well I guess I ought to be about one-quarter, my mother was half.
Q What is your post office address? A Mayflower, Arkansas.
Q How long have you lived in Arkansas? A Been there thirty years.
Q Where were you born? A In the state of Mississippi.
Q What County? A Marshall County.
Q Left there when you were eight years of age? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What is his name? A Robert Butler.
Q Mother living? A No, sir.
Q What was her name? A Her name was Charlotte Butler.
Q Did your father have any Choctaw blood? A No, sir; it was my mother.
Q You say she had one-half? A Yes, sir.
Q When did your mother die? A She has been dead now five years.
Q How old was she when she died? A About sixty-three or four years.
Q Where was she born? A In the state of Mississippi.
Q What County? A Marshall County.
Q Was she a slave? A No, sir.
Q You swear positively that your mother was not a slave? A I swear she was not a slave.
Q Was your father a slave? A Yes; he was a slave.
Q What was your mother's mother's name? A Her name was Elsie McKay.
Q When did she die? A She died when I was small.
Q She was a full blood Choctaw? A Yes, sir.
Q Did she have a Choctaw name? A I don't know; I guess she had.
Q What was her Choctaw name? A McKay I guess, that is all I know.
Q Full blood Choctaw Indians living in Mississippi use to have an English name and then they also had an Indian name; I want know if she had an Indian name? A I don't know.
Q Do you know the names of her father and mother; Elsie's father and mother? A No, sir.
Q You know where she was born, Elsie? A No, sir.
Q Did she live in Mississippi all of her life? A I never heard of her any where else.
Q You are sure she was not a slave? A Yes, sir.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? Yes; she was recognized.

- Q In Indian Territory? A No, sir; she never was in the Indian Territory.
- Q She never was enrolled then as a member of the tribe? A No, sir; she was never enrolled.
- Q Are you married? A Yes, sir.
- Q Is your wife living? A My last wife is living; I have been married twice.
- Q What is her name? A Hattie.
- Q Has she any Choctaw blood? A No, sir.
- Q You make no claim for her? A No, sir.
- Q What was your first wife's name? A Mary Butler.
- Q She have any Choctaw blood? A No, sir.
- Q Did you have any children by her? A Yes, sir.
- Q You have no children by your second wife? A No, Sir.
- Q What are the names of your children? A The girl is Helen Butler.
- Q How old is she? A Eleven years.
- Q Next one? A Euren.
- Q How do you spell it? A E-u-r-e-n.
- Q Boy or girl? A Boy.
- Q How old is he? A Nine.
- Q These children both living with you? A Yes, sir.
- Q What is the name of their mother? A Her name was Mary.
- Q She was your first wife? A Yes, sir.
- Q When did she die? A She has been dead four years.
- Q Were you married to her under a license? A Yes, sir.
- Q Have you that license with you at this time? A No, sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and your first wife Mary in support of the application you make for these two minor children and you will be allowed fifteen days to furnish that evidence.

- Q This application is for your self and two children is it? A Yes, sir.
- Q Is your name or the name of either one of these children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or either of these children to be admitted or enrolled as citizens of that tribe? A No, sir.
- Q Did you or did any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and either of these children under the act of Congress approved June 10, 1896? A No, sir.
- Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before today for you or these children for the purpose of establishing your rights as Choctaws? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these two children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September 27th 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the Removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave the old Nation and for the benefit of those who insisted upon being permitted to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation and not move out West to the new country might receive land from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand it? A Yes, sir; partly.
- Q Well I will try and make you understand it thoroughly?

In case a Choctaw who might have been living back in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made, decided that he wanted to stay there, become a citizen of the States and take land and not move out to this new Nation he had a right to do so and had a right to receive land from the government under certain conditions; first, he was required to, within six months after this treaty was ratified, the treaty was ratified on February 24, 1831, let the agent of the government in Mississippi know that he wanted to stay there, take land and become a citizen of the States, he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each unmarried child in his family which was over ten years of age, at the time the treaty was made, he was entitled to one-half of that quantity or three hundred and twenty acres of land; and for each child in his family under ten years of age at the time the treaty was made he was entitled to a quarter section or one hundred and sixty acres of land. The reservations of the children were required to adjoin the location of the parents,

and if these Indians lived on that land for five years after the treaty was ratified in that case they were entitled to a grant in fee simple to the land, that is the government would give them a deed or patent to the land and it would become their property and they could dispose of it at their own pleasure. The reservations so made to these Indians under this fourteenth article were required to include the improvement of the head of the family as it existed on the 27th day of September 1830, the date the treaty was made. The last clause of that fourteenth article is, as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is if an Indian stayed back there in Mississippi and took land under that fourteenth article of the treaty of Dancing Rabbit Creek he did not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever decided later to move out West to the new country he was not entitled to any portion of the Choctaw annuity. Annuity is money which becomes due each year to the Indians under treaty provisions from the government.

- Q Did any of your ancestors comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A If they did I don't know it.
- Q Did any of them live back there in the old Nation in 1830 when this treaty was made? A I don't know; I suppose they must have been living there.
- Q What one of your Choctaw ancestors? A I suppose my grandmother would have been living there.
- Q Elsie? A Yes, sir.
- Q You know where she lived at that time? A Mother was born in thirty-three, so she must have been living about that time; of course she might have moved in there.
- Q Do you know whether she owned an improvement there at that time? A No, sir.
- Q Do you know whether she or any one for her within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government for the Choctaws in Mississippi know that she wanted to stay there, become a citizen and take land? A No, sir.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the tribe between 1833 and 1838? A No, sir; I don't.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there, become citizens and take land. The name of this agent was Colonel William Ward. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they

wanted to stay there, become citizens and take land and on this account in many instances the government at its public land sales in Mississippi sold the land upon which Choctaws lived and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen but that their land had been sold by the government. These Commissioners were duly appointed by the President and went to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A If they did I don't know it.

An act of Congress approved August 23rd 1842 provided that in case it should be finally decided that the Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A If they did I don't know it; my mother did not get any I know that.
- Q Did you ever hear that any of your ancestors ever got any benefits whatever as Choctaws? A If they did I don't know it.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians seventy-two years ago when this treaty was made? A I don't know that they was only from my mother, what my mother has told me.
- Q All you know is that they had the Choctaw blood is it not? A Yes, that is all.
- Q Well do you know of any real old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes; some of the McKays live here in the Choctaw Nation some where and some of the Brashers live here too; I think probably I can get them up.
- Q You have no witnesses here today? A No, sir.
- Q No written evidence to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from this date and their testimony will be taken or if you should find any written evidence that you desire to offer such proper written evidence as may be offered within a period of fifteen days from this date will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No, sir.

Examination by attorney Lowry.

- Q You say you were born in Mississippi? A Yes, sir.
 Q Marshall County? A Yes, sir.
 Q How old were you when you left there? A I was eight.
 Q Was your mother living at that time? A Yes, sir.
 Q Well what was her language, her mother language; did she speak the Choctaw language or not? A No, sir; she mostly spoke English; she could talk Choctaw some, I have heard her talk Choctaw to the children some times.
 Q Did she speak two different languages to the best of your recollection? A Yes; she would talk that language and she said that she did not want us to learn that language.
 Q How long has your mother been dead? A Five years.
 Q Where did she die? A Why in Fortner County Arkansas.
 Q Are you one of the youngest children of your mother? A I am the baby child.
 Q Then your mother must have been of pretty good age when she died? A Yes, sir.
 Q Now in respect to the question asked by Mr. Emerson you stated that you knew some old people down there by the name of Brashers and Butlers; did you ever know any people by the name of Pitchlyn? A Yes; I heard that they lived down here near Red River county somewhere.
 Q Now Mr. Butler tell the Commission just how you came to know of these people, the Brashers, Pitchlyn and Butlers? A I came to know them through my mother, she was telling me of these being her people and said they were kin to the McKays.
 Q Just traditional history? A Yes, sir.
 Q Came down through the family? A Yes, sir.

By the Commission

- Q You think any of these persons referred to by you would know whether any of your ancestors complied with this article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.
 Q How many brothers have you living? A I have none.
 Q Did you ever have any? A No, sir.
 Q Have you any sisters? A Yes, sir.
 Q How many? A I only had three but there is only one living now.
 Q What is her name? A Celia Thomas..
 Q Has she been before the Commission? A No, sir.
 Q Did your other sisters leave children? A My other sister left one; she is dead though.
 Q What is her name? A My oldest sister's name was Helen.
 Q She left one child? A Yes, sir.
 Q What was Helen's married name? A Robinson.
 Q Is her child living now? A Yes, sir.
 Q What is that child's name? A Perreller Robinson.
 Q Is she married? A No, sir.
 Q She been before the Commission? A No, sir.
 Q Did your other sister leave children? A No, sir; the other died in infancy.
 Q Did your mother ever have any brothers? A I don't know it.
 Q Did she ever have any sisters? A If she did I don't know it; I think they are dead.
 Q Anything further you care to say? A No, sir.

This applicant has the appearance of being a Negro and though his hair and mustache would indicate that he is possessed of some degree of either white or Indian blood. His cheek bones are

rather inclined to be prominent. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of articles fourteen of the treaty of Dancing Rabbit Creek.

4. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 30, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 28 day of August 1902.

W. E. Jones
Notary Public.

Handwritten initials: JH
C. W. W.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Anderson Butler, et al.,
for identification as Mississippi Choctaws, M. C. R. 6118 .

-----O-----

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Anderson Butler for himself and his two minor children, Helen and Euron Butler, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Elsie McKay, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in

support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elsie McKay, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Butler, Helen Butler and Karon Butler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen

hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Lewis Dixby.

Acting Chairman.

SIGNED

T. D. Woodlee.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 2 1903

Muskogee, Indian Territory, January 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Andersen Butler, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Butler, Helen Butler and Euron Butler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Pugh

Acting Chief Clerk.

COPY.

M.C.R. 6118

Muskogee, Indian Territory, January 8, 1903.

J.C. Lowery,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Anderson Butler, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Butler, Helen Butler and Euron Butler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

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file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James T. [illegible]
Acting Chairman.

Registered.

COB

Muskogee, Indian Territory, January 2, 1903.

Anderson Butler,
Mayflower, Arkansas.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Anderson Butler, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anderson Butler, Helen Butler and Euron Butler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-----2-----

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Respectfully,

Wm. H. H. H.

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Anderson Butler, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 2, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 6118

C O P Y

Land

5069- 1903

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington,

March 6, 1903

The Honorable

The Secretary of the Interior

Sir:

There is enclosed the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Anderson Butler, for himself and his two minor children, Helen and Euron Butler, wherein a decision adverse to the applicants was rendered by the Commission on January 2, 1903.

An examination of the evidence in the case shows that the applicants claim identification by reason of their descent from one Elsie McKay, who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission state in their decision rejecting these applicants, that its records do not show that Elsie McKay, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The office has searched its records for the name of Elsie McKay, and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th

-2-

article of the Choctaw treaty of 1830, and it has, therefore, to recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner

E.B.H. H'r

3 enclosures

C O P Y

D. C. 8531

DEPARTMENT OF THE INTERIOR

FHE.

I T D 2640- 1903

WASHINGTON

March 25, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 19, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Anderson Butler (M C R 6118) for himself and his two minor children Helen and Euron Butler, including your decision of January 2, 1903, refusing to identify them as such.

These applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Elsie McKay, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with article 14 of the said treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter March 6, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

1 inclosure.

Respectfully,
(Signed) Thos Ryan,
Acting Secretary.

COPY.

M.O.R.6118.

Muskogee, Indian Territory, April 2, 1903.

J. C. Lowery,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Anderson Butler, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

(SIGNED)

Tams Pickens
Chairman.

M.C.R.6118.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Anderson Butler, et al., of which decision you were advised by mail on the 2nd day of January, 1903.

Respectfully,

SIGNED

Tame B.
Chairman.

M.C.R.6118.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Anderson Butler,

Mayflower, Arkansas.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Anderson Butler, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

(SIGNED)

Tame Little
Chairman.

For Identification as a Mississippi Choctaw.

JUL 30 1902

Date

Name Anderson Butler

Age 38 Blood 1/4

Post-Office, Mayflower, Ark.

Father: Robert Butler L

Mother: Charlotte " d

Claims through mother
Wife Hattie Butler L

No claim for wife.
Self and 2 Children.

Children:

Aleen Butler F 11

Euron " m. 9

mother. Mary " No. Cho. d

Stenographer

G. Rosenwinke

Choctaw MCR 6119

Henry N. McNamee

See MCR 2636

MCR 6119

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I.T. July 30, 1902.

6119

In the matter of the application for identification as Mississippi Choctaws of Henry N. McNamee for himself and his five minor children, Henry W., Annie May, Eddie Warren, Emma Lee and Jimmy Lee McNamee.

Applicants not represented by attorney.

Henry N. McNamee being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Henry N. McNamee.
Q How old are you? A I am forty years old.
Q How much Choctaw blood have you? A I suppose I have one-quarter.
Q What is your post office address? A Brinkley.
Q Arkansas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What is his name? A Alfred McNamee.
Q Is your mother living? A Yes, sir.
Q What is her name? A Margaret.
Q Through which one of your parents do you get your Choctaw blood? A Through my father.
Q Where does he live? A In Chickasaw county, Mississippi.
Q Has he been before the Commission? A Not that I know of.
Q About how old is he? A I think in the neighborhood of sixty-seven.
Q Where was he born? A Sattartia, Mississippi near Natchez.
Q Has he lived in Mississippi all of his life? A He was carried to Alabama a short while.
Q He was a slave was he? A Yes, sir.
Q He claims to be a half Choctaw? A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood? A Through his mother.
Q What was her name? A I have forgotten.
Q You claim she was a full-blood Choctaw? A That is what he told me.
Q Who told you that? A My father.
Q You don't know either her given or surname? A No, sir.
Q You know whether she had any children older than your father? A I aint' certain; I know she had one younger and I think he had a brother named George who died quite a while ago.
Q Older than he? A I could not say positively.
Q You know when your father's mother was born; what year? A No, sir; I do not.
Q Did she live in Mississippi all of her life? A I could not tell you that; he told me that he was born there and after he got of some since he was stolen and carried to Alabama.
Q Was she a slave? A No, sir.

- Q Your father's father was a Negro? A Yes, sir.
- Q He was stolen from her and carried to Alabama, then put into slavery? A Yes, sir.
- Q How old was he when he was taken from his mother? A I don't know only that he said he was small.
- Q You know the name of the mother of the father of your father's mother? A No, sir; I don't know.
- Q Was your father ever in Indian Territory? A No, sir.
- Q He never was recognized in any manner or enrolled as a citizen of the Choctaw Nation then? A No, sir.
- Q Are you married? A I have been but my wife is dead.
- Q What was her name? A Florence.
- Q Did she have any Choctaw blood that you know of? A Yes, sir; Florence had Choctaw blood, her father told me that. Her father is living and I suppose that could be proved; he is in this city now; my dead wife's father. She is the only wife I ever had.
- Q You could not swear as to the amount of Choctaw blood she had then? A No, sir.
- Q Have you any children living? A Five.
- Q What are their names and ages, the oldest first? A Henry W.
- Q How old is he? A He is eighteen.
- Q Next one? A Annie May.
- Q How old is she? A Sixteen.
- Q Next one? A Eddie Warren.
- Q Boy? A Yes, sir.
- Q How old? A Fourteen.
- Q Next one? A Emma Lee.
- Q How old? A Nine.
- Q Next one? A Jimmy Lee.
- Q How old is Jimmy Lee? A Seven.
- Q That all of your children? A Yes, sir.
- Q Are these children all living with you at this time? A Yes, sir.
- Q You base their claim upon your Choctaw blood? A Yes, sir.
- Q Are they all the children of yourself and your deceased wife Florence? A Yes, sir.
- Q This application is for yourself and these five minor children? A Yes, sir.
- Q Were you married to Florence under a license? A Yes, sir.
- Q When? A January 18, 1883.
- Q Where? A The license was issued from Houston, Chickasaw County, Mississippi.
- Q You lived in that County? A Yes, sir.
- Q Who married you? A Clinton Fountain, a minister.
- Q Have you your license and certificate with you at this time? A No, sir.

It will be necessary that the Commission be furnished with evidence of the marriage between yourself and your wife Florence to be used in connection with the application you make for your minor children. You will be allowed fifteen days to secure that and submit it to the Commission.

- Q Is your name or the name of any one of these children for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.

- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these minor children to be admitted or enrolled as members of the Choctaw tribe of Indians? A No, sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself and any of these children under the act of Congress approved June 10, 1896? A No, sir.
- Q Then neither you nor these children for whom you apply have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your right as a Choctaw Indian? A No, sir.
- Q Has any such application ever been made for any of these children? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under the provisions of the the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the Country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who wanted to stay back there what is known as the fourteenth article was put into the treaty. That article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation, and not move out West to the new Nation, might receive land back there from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand the fourteenth article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No, sir; not to my knowledge.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made about seventy-two years ago? A I think my father was born about thirty-two; I could not trace back any further than that. She was living near Natchez.
- Q He got his Choctaw blood from his mother? A Yes, sir.
- Q You think she was living there about 1830, near Natchez? A Yes, sir.
- Q You know whether she owned an improvement there at that time? A No, sir.
- Q Or whether her father or mother owned an improvement there at time? A No, sir.
- Q Can you think of her name? A No, sir; I heard by father call it a good many times.
- Q You are sure that your father always told you that she was a full-blood Choctaw? A Yes, sir.
- Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens and take land under that fourteenth article? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the tribe between the years 1833 and 1838? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir; not to my knowledge.
- Q Did any of them ever receive any benefits whatever as Choctaw Indians to your knowledge? A No, sir.
- Q Do you know whether any of them were recognized members of the tribe in 1830? A I could not say; I don't know sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an Agent in the State of Mississippi whose name was Colonel William Ward to register the names of such Choctaws as might desire to remain there, become citizens and take land under this fourteenth article of the treaty of Dancing Rabbit Creek. The records of the government show that this Agent, Colonel Ward, failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi, in many instances, sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under article fourteen of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1848 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not to my knowledge.

An act of Congress approved August 23rd 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land, in place of the land so sold by the government, some place else in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A No, sir; none to my knowledge.
- Q You know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A My father, I expect, would know as near as anybody.
- Q You know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir; I do not.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir.
- Q Any witnesses? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within a period of fifteen days or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered within fifteen days from this date will receive the consideration of the Commission.

- Q Have you any further statements that you desire to make in support of your application? A No, sir.
- Q You don't speak or understand the Choctaw language? A No, sir.
- Q Have you any brothers living? A Yes, sir.
- Q How many? A Two?
- Q What are their names? A George and Joe McNamee I think.
- Q Have they been before the Commission? A Not to my knowledge.
- Q Have you any sisters living? A Yes, sir.
- Q How many? A Three living.
- Q What are their names; their married names if they are married? A Delia Gladden is the next in age.
- Q Next one? A Lavada Berry and then another, the youngest child who is not married; McNamee is her name.
- Q You have named all of your living witnesses? A Yes, sir.
- Q Have you any brothers dead? A I have one.
- Q How old was he when he died? A I think he was about twenty-seven.
- Q Did he leave any children? A No, sir.

#6

- Q Any sisters dead? A Got one.
Q Did she leave any children? A Yes, sir.
Q What was your sisters name? A Jane.
Q Married name? A Jane Neal.
Q How many children did she leave? A Six children
Q What are their names? A Maggie, Virgil, William David.
Q Next one? A Maudie.
Q Next one? A Lavada.
Q Next one? A Thennie Lee.
Q Has your father any brothers or sisters living? A My father had a brother but I have not heard from him for a long time.
Q What was his name? A Anthony McNamee.
Q Did father ever have any sisters? A No, sir; not that I know of.

This applicant appears to be a Negro although his hair and mustache would indicate that he might be possessed of a small portion of either white or Indian blood. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 30, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 28th day of August 1902.

B. C. Jones
Notary Public.

H.C.R. 0219.

Washoe, Indian Territory, August 22, 1902.

Henry W. McNamee,

Brinkley, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage record between H.W. McNamee and Florence Lane, and the statement of Alph McNamee, offered for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same have been filed with the record in your case.

Yours truly,

Acting Chairman.

M.C.R. 6119.

COPY.

Muskogee, Indian Territory, February 6, 1903.

Henry N. McNamee,
Brinkley, Arkansas.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George McNamee, et al., embracing the following applications for identification as Mississippi Choctaws:

George McNamee,	M.C.R. 2636
Henry N. McNamee, et al.,	" 6119
Sam Neal, et al.,	" 2638

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George McNamee, Henry N. McNamee, Henry W. McNamee, Annie May McNamee, Eddie Warren McNamee, Emma Lee McNamee, Jimmie Lee McNamee, Sam Neal, Maggie Neal, Vergie Neal, William D. Neal, Maudie Neal, Leveda Neal, Tennie L. Neal and Frank B. Neal as Choctaw Indians entitled to rights in the Choctaw lands under

H. H. McN. No. 2.

the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

C. R. Breckinridge.
Commissioner in Charge.

Registered.

COPY

M.C.R. 6119

Muskogee, Indian Territory, May 19, 1903.

Henry N. McNamee,
Brinkley, Arkansas.

Dear Sir:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George McNamee, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date JUL 30 1902

Name Henry M. McNamee

Age 40 Blood 1/4

Post-Office, Brinkley, Ark.

Father: Alfred McNamee L

Mother Margaret " L

Claims through father
wife Florence d

Self and 5 children

Children:

Henry W. McNamee	18
Annie M	16
Eddie W.	14
Emma L.	9
Jimmy L.	7

Stenographer

G. Rosenwinkel

Choctaw MCR 6120

Georgia Ann Reed

See MCR 6143

MCR 6120

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 31, 1902.

In the matter of the application of Georgia Ann Reed
for the identification of herself and her three minor
children Annie Bell, Benjamin Harrison and Malinda Ann Reed
as Mississippi Choctaws.

S.W. Isaacs, Attorney for applicant.

Georgia Ann Reed being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Georgia Ann Reed.
Q How old are you? A Fifty years old.
Q How much Choctaw blood have you? A One quarter.
Q What's your post office address? A Windom Texas.
Q W-i-n-d-o-m? A Yes sir.
Q What county? A Fannin County.
Q How long have you lived in the state of Texas? A All my
days.
Q Is your father living? A Yes sir.
Q What's his name? A George Preston.
Q Is your mother living? A Yes sir.
Q What's her name? A Lillie Preston.
Q Through which one of your parents do you get your Choctaw
blood? A Through my mother.
Q Has your mother ever been before this Commission? A No
sir.
Q Where does she live? A In Fannin County.
Q How old is she? A About seventy-five.
Q Do you remember the year in which she was born? A No sir.
Q She claims to be half blood Choctaw? A Yes sir.
Q Where was she born? A In Mississippi I think.
Q What county? A I dont know.
Q How long did she live in the state of Mississippi? A I
dont know.
Q Was she a slave? A Yes sir.
Q Were you a slave? A Yes sir.
Q Your father a slave? A Yes sir.
Q Through which one of her parents did your mother get
her Choctaw blood? A Through her father.
Q What was his name? A Pa-nah or something like that.
Q How do you spell that? A P-a-n-a-h.
Q When did he die? A I dont know sir; he died before I
was born.
Q Where was he born? A In Mississippi.
Q In what county? A I dont know sir.
Q How much Choctaw blood did he have? A My mother said he
was a whole Choctaw.
Q Did he have any other name besides Pa-nah? A He had
Ship.
Q S-h-i-p? A Yes sir; Strawther Ship is what my mother said.
Q What was your mother's mother named? A Agnes.
Q What other name did Agnes have? A Agnes Ship.
Q Was she a slave? A Yes sir she belonged to Fosters.
Q Did she have any other children by this man Ship? A She
had three altogether.

Georgia Ann Reed-3.

- Q Was she married to him? A Yes sir so my mother says.
- Q Do you know how long they lived together as husband and wife? A No sir.
- Q You dont know as a matter of fact that they ever did live together as husband and wife.
- Q Only what Ma said. She said t hey lived together.
- Q Where did they live together? A In Mississippi.
- Q Was Ship a slave too? A No sir.
- Q Do you know the names of his parents? A No sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Green Reed.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q How many children have you living? A Eleven.
- Q How old is the oldest one? A He's thirty years old.
- Q Have you any children dead? A One.
- Q How old was that child when it died? A About t wenty nine years old.
- Q Did he leave a family? A No sir he died a baby.
- Q I thought you said he was twenty nine years old? A No sir I said he would be twenty nine now if he was living. He was about nine months old when he died.
- Q Give us the names of your children who are under twenty one years of age and not married. A Annie Bell.
- Q A-n-n-i-e Bell or Ann-n-a-Bell which?
- A I dont know how she signs her name.
- Q What do you call her? A Annie.
- Q How old is she? A Seventeen.
- Q The next one? A Benjamin Harrison.
- Q How old is Benjamin Harrison? A Fifteen.
- Q The next one? A Malinda Ann.
- Q How old is Malinda? A Twelve.
- Q The next one? A That's the last one.
- Q The other children are all of age or married? A Yes sir.
- Q Are these children children living with you at this time?
- A Yes sir.
- Q They are all three the children of yourself and Green Reed?
- A Yessir.
- Q This application then is for yourself and three minor children? A Yes sir.
- Q Is your name or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896 for yourself or these children? A No sir.
- Q Then neither you nor th se children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission or by the United States Court for Indian Territory have you? A No sir.
- Q Has any application of any kind ever been made before today for your or anyone of these children for the purpose of

rights as Choctaws? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article fourteen of the treaty of Dancing Rabbit Creek.

A Yes sir.

Q What are the names of your children who are of age or married the oldest first? A John Reed.

Q The next one? A Lillie Bell Stewart.

Q The next one? A Agnes Bryant.

Q The next one? A Minnie Vardis.

Q The next one? A Selby Florence.

Q Is that a boy or girl? A Girl.

Q Married to a man named Florence? A Yes; Henry Florence.

Q You haven't named eleven children? A There's three more single boys. You told me to give the married ones. The others are Columbus.

Q The next one? A Charlie.

Q The next one? A David Reed.

Q Have you any other children? A Yes those whose names you have given? A No sir.

Q The next one?

Those who are of age or married will have to appear in their own behalf; you will not be permitted to make application for them.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to get those Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to stay back there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there might receive land back there from the government; it is as follows; now listen to this very carefully:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years

Georgia Ann Reed--4.

after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Do you think you understand that fourteenth article? A No sir I don't understand it real good.
Q I will try to make you understand it then.

In case a Choctaw who might have been living back there in the old nation seventy two years ago when this treaty was made that was twenty two years before you were born decided that he wanted that he wanted to stay back there and become a citizen of the states and take land back there in the old nation in Mississippi and Alabama he was required to let the agent for the government in Mississippi at that time whose name was Colonel William Ward know within six months from February 24, 1831 that he wanted to stay there and take land under that fourteenth article; he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child in his family over ten years of age and for each child under ten years he was entitled to one quarter section or 160 acres of land; the reservations so made for these children were required to adjoin the location of the parent; and the reservations made for these Choctaw Indians under this fourteenth article were required in each and every instance to include the improvement of the head of the family as it existed on the 27th day of September 1830 the day the treaty was made; now in case those Indians lived on this land so reserved for them back in the old nation for five years from February 24, 1831 the day the treaty was ratified or until February 24, 1836 they were entitled to a grant in fee simple for the land; that is the government would give them a deed or patent to the land and it would become the property of the Indian to dispose of at his pleasure just the same as you would have the right to dispose of land which was given to you under warranty deed. The last clause of that fourteenth article provides as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q The Choctaw annuity is money which becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions and that clause simply means that persons who stayed there and took land under that fourteenth article should not by reason of this having done so lose the privilege of a Choctaw Indian but if they ever remove to the new nation later they would not be entitled to any portion of the annuity money.

- Q Do you think you understand that fourteenth article?
A Yes sir I reckon so.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A Not that I knows of; that's too far back for me.
Q You know what your ancestors mean don't you? A Kin-people aint it?
Q Your old folks as you term it - forefathers; did any of them ever let the agent know they wanted to stay there and take land under the fourteenth article as this fourteenth article required them to do in case he wanted to take land under that article; you never heard they did?
A No sir.
Q Did any of them live in waht constituted the old Choctaw Nation in Mississippi and Alabama when this treaty was made.
A Yessir I reckon so. I know that my grandfather was there at tha time.
Q You refer to your mother's father do you? A Yes; that's as far back as I can go
Q Where do you think she lived at that time? A In Mississippi I reckon.
Q Your mother was living at that time wasn't she? A Yessir.
Q Do you know whether your mother's father owned an improvement there at that time? A No sir I dont.
Q Do you know whether any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there become citizens of the states and take land? A No sir.
Q Do you know whether any of them removed to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir I dont.
Q Do you know whether any of them ever claimed or received on any land in Mississippi from the government under this fourteenth article? A No sir I dont.
Q Did you ever hear of any of them ever having received any land from the government under the treaty of Dancing Rabbit Creek. A No sir I never did.
Q Did you ever hear of any of them claiming under any other treaty? A Never have.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens and take land; the records of the government show that this agent failed to register and report to the government the names of a great many of those Indians who did in fact let him know that they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1838 and 1842 providing for the appointment of Commissioners whose duty it should be to go down

Georgia Ann Reed--6.

to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went to Mississippi between 1837 and 1845 and heard a great many of these cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir I don't know a thing about that.
- Q You never heard of any of them ever having gone before any of those Commissioners did you? A No sir.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I ever heard of.
- Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir I never did.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir; I don't know.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A There is one old lady living down in Robison County Texas; it may be she can tell.
- Q What's her name? A Martha Minkins.
- Q What color is she? A She's a black woman.
- Q How old is she? A I don't know sir; I can't say just how old she is; she's an old woman.
- Q Is she any relation to you? A Yes sir.
- Q What relation is she to you? A She's a cousin to me.
- Q Where was she born? A In Mississippi.
- Q What do you think she would know about this case? A She might could tell you some thing about my grandfather.
- Q She knew him did she? A Yes sir.
- Q You don't know of anyone else who would know about this matter do you? A No sir I don't.
- Q You don't know of any written evidence which would prove or tend to prove that any of your ancestors ever complied with this fourteenth article or ever received any benefits thereunder? A No sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here today to testify in your behalf? A No sir.

Georgia Ann Reed--7.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from today and their testimony will be taken or if you should see fit to offer any written evidence such proper written evidence as may be offered within a period of fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you care to make at this time in support of your application - have you anything further to say? A No sir I dont know that I have.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A John and David.
- Q Preston? A No sir; they are only half brothers to me.
- Q What are their names? A John Foster and David Foster.
- Q Older or younger than you? A Older.
- Q Have you the same mother? A Yessir.
- Q Have they been before the Commission? A No sir.
- Q Have you any sisters living? A No sir.
- Q Did you ever have any sisters? A Yes sir.
- Q How many? A One.
- Q What was her name? A Mariah.
- Q Did she leave any children? A Yes sir.
- Q How many children did she leave? A I dont know sir; she was in Robinson County and I come away from there directly after the war, and I dont know the names of only two of them?
- A Lissie Mack and John Mack.
- Q Did you ever have any other brothers? A No sir.
- Q Any half brothers? A No sir.
- Q Has your mother any brothers living? A No sir.
- Q Did she ever have any brothers? A Yes sir- one.
- Q What was his name? A Sam.
- Q Sam what? A Foster; he belonged to the Fosters you know.
- Q How long has Sam been dead? A I dont know sir.
- Q How long since you have heard from him? A I never did know anything about him.
- Q You dont know whether any of his descendants are living or not? A No sir.
- Q Did your mother ever have any sisters? A Yes sir - one- Malinda.
- Q She was a Foster too? A Yes sir.
- Q How long has she been dead? A About thirty years.
- Q Did she leave any children? A Yes sir she left some .
- Q How many? A I dont know exactly how many there was.
- Q Do you know their names? I know some of them.
- Q Give us the names of some of them? A Green Foster, John Foster, Nellie Foster.
- Q Did Nellie marry? A I believe she did; she's living somewhere here in the Territory.
- Q What's her married name? A I believe she married a man named Johnson.
- Q What's the name of the next one of her children? A Sydney Anderson.
- Q That's a boy or girl? A Girl.

Georgia Ann Reed--2.

Q married a man named Anderson? A Yes sir.
Q The next one? A That's all I know.
Q Have any of these children been before the Commission?
A Not that I know of.
Q You dont speak or understand the Choctaw language do you?
A No sir.

Examination by S.W. Isaacs, Attorney.

Q What was your grandfather's name - your mother's father?
A Strawther Ship.
Q Did he have an Indian name? A Panah.
Q How do you spell that? A P-a-n-a-h.
Q That was his Indian name? A Yes sir.
Q What was your mother's mother's name? A Agnes.
Q She was a slave? A Yes sir.
Q Was that man Strawther Ship whose Indian name was Pa-nah a slave? A No sir.
Q What was his blood? A He was a Choctaw.
Q Full blood or half breed? A Full blood.
Q Did you ever see him? A No sir I never seen him.
Q Where was he born and lived during his life time? A In Mississippi.
Q How long has your mother been in Texas.
A Been there about fifty two years I reckon.
Q Did she come from Mississippi to Texas? A Yes sir I think she did. If I make no mistake. I think that's where she said she come from.
Q You dont know what part of Mississippi she come from?
A I think it was the eastern part.
Q Well do you know whether or not from what your mother has taught you Strawther Ship and Agnes Ship were married and lived together as man and wife? A Yes sir that's what she always taught me.
Q And your mother was born, one of their children during the marriage of them - is that your understanding? A Yes sir.
Q How old is your mother now? A I reckon as near as I can guess at it my mother's seventy five.
Q This man Strawther Ship never did live in Mississippi to your knowledge? A I dont think he did.
Q Did you ever hear your mother say anything about him ever having been head of a family there at any time? A Yes sir.
Q What did you hear your mother say about it? A Talked about it just like a man would come to see his wife and children and bring them things and so on.
Q Do you know about when that was? A No sir I dont know about when that was.
Q Never had heard her say anything about when he was head of a family back there? A No sir.
Q Never got any impression from her - ever heard her say anything about him owning improvements on land back there?
A No sir.
Q As to whether he owned land or not you have no information from her? A No sir.
Q Your mother's mother was a full blood negro was she? A Yes sir.
Q Didn't have any other blood in her but negro blood? A No sir
Q Did you ever see her? A No sir I never seen her that I know of.

Georgia Ann Reed--9

This applicant has the features and facial expression of a negro; is to all appearances a full blood negro; she does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 31st day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 16th day of August 1902.

Prince C. Jones
Notary public.

Muskogee, Indian Territory, August 20, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Georgia Ann Reed in the matter of the application for identification as Mississippi Choctaws of Georgia Ann Reed, et al., M C R 6120.

J. W. Isaac
Attorney for applicants.

M.C.R. 6120.

COPY.

Muskogee, Indian Territory, January 19, 1903.

Georgia Ann Reed,
Windom Texas.

Dear Madam:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of David Foster, et al., embracing the following applications for identification as Mississippi Choctaws:

David Foster, et al., M.C.R. 6143,
Georgia Ann Reed, et al., M.C.R. 6120.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Foster, John L. Foster, Georgia Ann Reed, Annie Bell Reed, Benjamin Harrison Reed and Malinda Ann Reed as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

C. A. R. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

210-20.

T. F. Mc...

Commissioner in Charge.

Registered.

M.C.R. 6120

Muskegee, Indian Territory, April 23, 1903.

Georgia Ann Reed,

Widow, Texas.

Dear Madam:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of David Foster, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

Tams Bixby.

Chairman.

"

No. 6120

For Identification as a Mississippi Choctaw.

Date _____
 Name *Georgia Ann Reed*

Age *50* Blood *1/4*

Post-Office, *Winndom, Tex.*

Father: *George Preston L*

Mother *Lillie* " *L*

Claims through *mother*
husband Green Reed. L.

No claim for husband

Children:

Annie B. Reed 17
Benjamin H. " 15
Malinda A. " 12

Self has 3 children

Stenographer *Clara M. Wood*

Choctaw MCR 6121

Ellen Thomas

MCR 6121

131

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Ellen Thomas, et al.,
for identification as Mississippi Choctaws, M. C. R. 6121.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
Ellen Thomas, et al.

Page.

Original application of Ellen Thomas, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	1
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Decision of the Commission to the Five Civilized Tribes, refusing the application, for identification as Miss- issippi Choctaws, of Ellen Thomas, et al.,	9
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612

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, July 31, 1902.

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In the matter of the application for the identification
of Ellen Thomas and her minor grandchild Abbis Bush as
Mississippi Choctaws.

Ellen Thomas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen Thomas.
Q How old are you? A Sixty years old.
Q How much Choctaw blood have you? A My grandmother was a
full blood Choctaw.
Q Your grandmother? A Yes sir.
Q Which one of your parents was a Choctaw? A My grandmother
and you know my mother got her Choctaw from my grandmother.
Q Your mother was a half breed then and you claim to be a
quarter; is that right? A Yes sir.
Q What is your post office address? A Arkansas, Clark
County.
Q Where do you get your mail? A Gurdon Arkansas.
Q How long have you lived over in Arkansas? A Well I been
back and forth; my native home - what I should call my home
would be Mississippi.
Q How long since you left Mississippi? A It aint been a
great while; I aint never stayed away from there; I go
backwards and forth.
Q Were you a slave? A No sir never was no slave.
Q Sure of that? A Sure of it.
Q Where were you born? A Mississippi; Marshall County.
Q You remember the civil war dont you? A Yes sir.
Q This last war? A Yes sir.
Q Were you living in Mississippi then? A No sir I was on
Red River in the Indian Territory and then went from there
back to Arkansas.
Q How long did you live down there in Mississppi before you
left at all? A I was quite a child.
Q When you left there? A No sir I was quite a child when I
was in Mississippi but I lived there to be a young lady.
Q You lived in Mississippi and Arkansas and Indian Territory
all your life? A Backwards and forth; but Mississippi's
my home.
Q What was your father's name? A My father was named Robert;
Robert Tompleton.
Q Was he a slave? A No sir; my father was everlooker for a
white man.
Q When did he die? A My father's been dead twenty years I
guess.
Q Is your mother living? A No sir.
Q What was her name? A Martha Hill.
Q You claim Martha was half blood Choctaw do you? A Yes sir.
Q When did Martha die? A She died I reckon - my mother was
between thirty and forty years old because she had four
children and I was nine years old and I was the youngest one
she got killed.

Ellen Thomas--2.

- Q When was it -- before the war or after the war that set the slaves free? A It was before the war.
- Q How long before? A I dont know; it was a good while though because we lived in Mississippi.
- Q Do you think it was ten years before the war? A Yes sir.
- Q She was between thirty and forty then? A Yes sir.
- Q Could she speak the Choctaw language? A I dont know about my mother speaking it; my grandmother could.
- Q I'm talking about your mother now. A I dont know; I was too young.
- Q Was she born down there in Mississippi herself? A My mother.
- Q Yes. A Yes sir.
- Q Did she have any other name besides Martha Hill? A No sir; her father was Hill.
- Q How much older than you was your mother's oldest child; how many years? A There was three years difference in all of us; she didn't have but four.
- Q Then one older than you would be sixty three years old now, the one older would be sixty-six, and the one older would be sixty-nine? A Yes sir.
- Q That's all? A Yes sir.
- Q Was your mother married in 1830? A Well I cant tell you; I know my father's name but whether they was married you know I cant tell.
- Q What was your mother's mother named? A Ollie.
- Q What other name did she have? A She married a Hill.
- Q Did she have an Indian name? A I dont know whether she had an Indian name or not but her name was Ollie.
- Q That's the only name you ever heard of her going by? A Yes sir.
- Q Did she speak the Choctaw language? A She spoke some kind of language I couldn't understand.
- Q You jumped at the conclusion it was Choctaw.
- A All the old people said -- and since I become acquainted with the Indians I know my grandmother was a full blood Choctaw.
- Q Do you know the names of her parents - her father and mother. A I dont know my grandmother's parents.
- Q You dont remember the year in which your mother was born do you? A No sir I dont.
- Q Was your mother ever in Indian territory? A No sir.
- Q Was she ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A No sir; not that I know of.
- Q Are you married? A My husband's dead.
- Q What was his name? A Wash Thomas.
- Q Did he have any Choctaw blood? A Yes sir.
- Q How much? A He was half; his hair was straight and black.
- Q Was he older or younger than you? A A year and a half older than me.
- Q Where was he born? A In Mississippi.
- Q What county? A Marshall.
- Q How long did he live there? A He lived there until he got to be a young man and he and him married and he taken me away from there.
- Q Through which one of his parents did he get his Choctaw blood? A He always said he got it through his mother.

Ellen Thomas--3.

- Q What was his mother's name? A Nancy.
- Q Did you ever see her? A No sir.
- Q Did she ever have any other name besides Nancy?
- A She was named Nancy; I can't tell what her other name was.
- Q Was your husband a slave? A No sir.
- Q Are you sure of that? A No sir; my husband was 'nt a slave; all that he ever was a slave was that he hauled salt you know.
- Q Where was Nancy born? A His mother.
- Q Yes. A I don't know; he come from one part of Mississippi and me the other and me and him was married in Marshall County.
- Q Nancy didn't have any Choctaw name you know of? A Not as I know of but I know my husband was all Choctaw nearly.
- Q What was your husband's father's name? A I don't know what his given name was; they called him Mr. Williams. I don't know what his given name was.
- Q He didn't have any Choctaw blood did he? A His father.
- Q Yes? A I never was acquainted with his father at all; I don't know.
- Q Have you any children living who are under age and unmarried?
- A No sir; I got three daughters and they are grown and married and I got one grandchild thirteen years old - soon will be and her mother and father is dead.
- Q Does that child live with you? A Yes sir.
- Q You want to give in its name too? A Yes sir.
- Q What's its name? A Abbie Bush.
- Q Is Abbie a girl or boy? A Girl.
- Q How old is she? A Thirteen years old - soon will be; so near we'll say thirteen - she will be thirteen the last of August.
- Q How long has this child lived with you? A I've had her ever since her mother died when she was nursing her; I've had her ever since.
- Q Did the child's father have any Choctaw blood? A Well now I don't know.
- Q What was his name? A Tom Bush.
- Q What was the name of this child's mother? A Elizabeth Thomas.
- Q The daughter of yourself and Wash Thomas? A Yes sir.
- Q This application then is for yourself and one grandchild?
- A Yes sir.
- Q Is your name or the name of this child grandchild to be found upon any of the Choctaw tribal rolls in Indian Territory. A I know my name can be found; of course this child -- you know by me being her grandmother--
- Q I am talking about the Choctaw tribal rolls; they are rolls of people belonging to the tribe; is your name on the rolls?
- A Not as I know of.
- Q You don't know whether your name is there or not?
- A No sir.
- Q Was any application of any kind ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities the Dawes Commission or the United States Court in Indian Territory.
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor grandchild under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q The treaty of purchasing Rabbit creek was entered into in the state of Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was made some of these Indians were unwilling to leave the old nation and for the benefit of those who insisted upon remaining back there in the old nation what is known as the fourteenth article was put into the treaty, that fourteenth article provided that upon certain conditions a Choctaw who remained back in the old nation might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such children as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q You understand that fourteenth article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A Not as I know of.
- Q Did any of the ancestors of your husband comply or attempt to comply with its provisions or ever receive any benefits thereunder? A Not as I know of.
- Q Did any of your ancestors or any of the ancestors of Wash Thomas live in Mississippi and Alabama in 1830 when this treaty was made? A Yes sir.
- Q Where did they live? A They never lived anywhere but in Mississippi; they lived in Mississippi; Marshall County.
- Q This was about twelve years before you were born; where did your people live then? A My grandpa lived in Mississippi.
- Q Did your mother live there at that time? A Yes sir.
- Q Your mother was a slave at that time wasn't she? A No my mother never was a slave.

Ellen Thomas--8.

- Q Were Wash Thomas' people living there in 1830 twelve years before you were born? A I dont know how long they lived there.
- Q Did any of your ferefathers or any of the forefathers of Wash Thomas own an improvement in the old Choctaw Nation in Mississippi when this treaty was made? A My grandmother owned a home in Mississippi.
- Q You dont know whether she owned it seventy two years ago or not? A O, no sir I cant say.
- Q Did any of your ancestors or any of the ancestors of Wash Thomas remove to the present Choctaw Nation Indian territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir I dont recollect of them moving that I am acquainted with; I dont know; I cant recollect it; I have to tell the truth.
- Q That was a few years before you were born; you probably wouldn't recollect it but do you know whether they moved out here? A No sir I dont.
- Q Did any of your ancestors or any of the ancestors of your husband within six months from the time this treaty was ratified let the agent of the government in Mississippi whose name was Colonel William Ward know they wanted to stay there and become citizens of the states and take land?
- A I dont know anything about Colonel William Ward no more than what I heard.
- Q What did you hear? A I heard he wanted the old folks to do somethings - I dont know what- I heard he wanted something done amongst the Indians but now no paying attention to it I didnt.
- Q When did you hear it? A I dont know.
- Q How dont know whether any of your people or any of your husband's people Wash Thomas' people told him they wanted to stay and become citizens of the states and take land?
- A No sir.
- Q Did you ever hear of any of your people or Wash Thomas' people ever having gotten land from the government? A No sir I never knew of any of them havi ng land but my grandmother; I dont know how she got it.
- Q If she had ever gotten any land under this treaty you would probably have heard about it wouldn't you? A I reckon I would.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi Colonel William Ward to register the names of such Choctaws as might desire to remain there and take land instead of coming to the new nation; the records of the government show that Colonel Ward failed to register and report to the government the names of a great many of these Indians who did in fact let him know that they wanted to stay in Mississippi become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appoint-

Helen Thomas--6.

ment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of the fourteenth article of the treaty but their land had been sold by the Government; these commissioners were duly appointed by the President and they went to Mississippi between the years 1837 and 1845 and heard and great many of these Choctaw cases.

- Q Did any of your ancestors or any of the ancestors of your husband Wash Thomas appear before any of those Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 28, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but their land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors or any of the ancestors of Wash Thomas ever get any of this scrip from the government?
A Not that I know of.
Q If any of your people or Wash's people ever received any benefits as Choctaws you never heard of it? A No sir.
Q You don't know whether they were recognized members of the tribe in 1830 or not? A No sir.
Q Do you know of any old person living who would know whether your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A I don't know; the Fultons I reckon; they lived here in the Nation or Oklahoma or somewhere; I don't know where.
Q Do you know their given names? A I believe its Lewis Fulton.
Q How old a man is he? A I don't know sir; I've heard the old people talk about it.
Q Do you know of any written evidence of any kind that would prove such a state of facts? A No sir; I don't; I expect I could find their names.
Q Have you any written evidence to offer at this time in support of your application - any deeds or patents or papers?
A No sir.
Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken or if you should see fit to offer any written evidence such proper written evidence as may be offered within a period of fifteen days will receive the consideration of the Commission.

Ellen Thomas--7.

- Have you anything further to say in support of your application? A No sir I haven't.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q How many children have you living? A Three.
- Q What are their names? A Nanny Stuckey, Ella Williams, Florida Runyon.
- Q Have these daughters of yours appeared before the Commission? A Not yet.
- Q How many children have you dead? A One boy.
- Q Did he leave any children? A No sir he was only eighteen years old when he died.
- Q Have you any brothers living? A I got a brother in Alabama but I don't know whether he's living or not.
- Q What's his name? A Aleck.
- Q Aleck Hill? A Aleck Templeton; his father wasn't my father had the same mother? A Yes sir; just half brother.
- Q Did you ever have any sisters? A Yes sir I got some somewhere in the territory or Oklahoma somewhere.
- Q How many? A Three.
- Q What are their names? A Sallie, Hannah, Sanna.
- Q What's Sallie's married name? A Tinley.
- Q What's Hannah's married name? A Usher.
- Q What's Sanna's married name? A Sanna wasn't married the last account I had of her.
- Q You don't know whether these sisters have been before the Commission or not? A No sir.

Examination by J.C. Levery attorney for applicant.

- Q How old did you say you was Mrs Thomas? A Sixty years old.
- Q You don't know anything about Dancing Rabbit Creek do you?
- A No sir I've heard my people talk and laugh about it; I don't know.
- Q You don't know anything about as to where your parents were at that time except by what you heard from a traditional standpoint. A No sir.
- Q From a family traditional standpoint? A Yes sir.
- Q How old did you say you was when your grandmother died?
- A About nine years old.
- Q Do you remember her? A Yes sir.
- Q Give me a description of your grandmother in your own language as to her nationality. Did she look as much like a negro as I do or not? A She looked just like a Indian woman as you might see now - a Choctaw- if you see a Choctaw Indian my grandmother looked like them.
- Q What was her color? A Well brighter than mine.
- Q What was the description of her hair? A Straight.
- Q What language did she talk? A She talked like an Indian but I can't talk it.
- Q How long did your mother live after your grandmother died?
- A My mother.
- Q About how long? A My grandmother went over in Alabama and died and then my mother started to Mississippi to see about her property; her little home she had----
- Q How old a girl was you when your mother died? A Nine years old I told you.
- Q How old was you when your grandmother died? A I was quite a kid I reckon - a baby.
- Q Didn't you testify repeatedly that you was nine years old when your grandmother died? A No when my mother died.

Ellen Thomas--Q.

- Q Who was it owned land in Mississippi - your grand mother or your ma? A My grandmother.
- Q Do you know how much she owned or anything like that?
- A Just know she had a home and cow lot and some houses down there.
- Q After the death of your grandmother who took possession of this property there? A We children dont know where that land went; mother got killed and there wasn't anybody to prove it up because grandfather died before grandmother did.
- Q You dont know what went with it? A No sir.
- Q You claim your Choctaw blood from your mother's side? A Yes sir.

Examination by the Commission.

- Q What part of Mississippi was that land your grandmother owned? A Marshall County I guess near Holly Springs.
- Q Do you know how she got that land? A No sir she had it when I come into recollection.
- Q You dont know how long she had had it when you were born? A No sir. .

Examination by J.S.Lowry.

- Q Who's the oldest your Pa or your Ma? A Well I dont know which was the oldest; I know my mother was quite young but I dont know.
- Q Did your Pa die before your mother or not? A Yes sir my Pa died before me mother and so did my grandmother; my own father got shot. But Grandpa he died of sickness.
- Q Who if anybody else did you ever hear say anything about your grandmother owning land in Mississippi? A Never heard anybody say anything about it because we all always wanted it and nobody didn't say anything about it that I know of; if there was any such talk made about it any way I dont know it but you know we children would talk about it - wondered what become of grandma's place.

---Q---

By the Commission,

The applicant has the appearance and facial expression of a negro; appears to be a full blood negro; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---Q---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above untitled cause on the 31st day of July 1908 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15 day of August 1908.

Clara Mitchell Wood
Prudence Jones
Notary Public.

COPY.

off
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Ellen Thomas, et al.,
for identification as Mississippi Choctaws, N. C. R. 6121.

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;-: D E C I S I O N :-;

It appears from the record herein that application
for identification as Mississippi Choctaws was made to this
Commission by Ellen Thomas for herself and her minor grandchild,
Abbie Bush, under the following provision of the act of Congress
approved June 28, 1896, (30 Stats., 495):

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hun-
dred and thirty, and to that end may administer
oaths, examine witnesses and perform all other
acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that the principal applicant herein
claims rights in the Choctaw lands under article fourteen of the
treaty between the United States and the Choctaw Nation, concluded

September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Ollie (or Ollie Hill), who is alleged to have been a full blood Choctaw Indian; and that the minor applicant herein claims said rights by reason of being a descendant of the said Ollie (or Ollie Hill) and Nancy, (or Nancy Williams), the latter of whom is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

The name Nancy appears on pages 233, 256, 506 and 643 of Volume I, Claimants Brief and Evidence, in the case of the Choctaw Nation vs. the United States, before the Court of Claims No. 12742, and on page 925 of Volume II of said record, also on pages 26 and 136 of Volume VII, American State Papers, Public Lands in various lists, schedules and depositions. It further appears from the records in the possession of the Commission relating to persons who received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek" that one Nancy received such scrip. There is nothing in the

testimony submitted by the applicants tending to show that the Nancy through whom they claim is identical with the Nancy in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Ollie (or Ollie Hill) or Nancy (or Nancy Williams) through whom these applicants claim, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Thomas and Abbie Bush as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 2 1893

SIGNED,

Tame Dixby.

Acting Chairman.

SIGNED,

T. B. Needles.

Commissioner.

SIGNED,

C. R. Breckinridge.

Commissioner.

COPY.

M.C.R. 6121

Muskogee, Indian Territory, February 2, 1903.

J. C. Lowery,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Thomas, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Thomas and Abbie Bush as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

J. C. Lowery,--2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

Tamr Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6131

Muskogee, Indian Territory, February 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Thomas, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Thomas and Abbie Bush as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamr Pirby.

COPY.

M.C.R. 6121

Muskogee, Indian Territory, February 2, 1903.

Ellen Thomas,

Gurdon, Arkansas.

Dear Madam:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Thomas, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Thomas and Abbie Bush as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Ellen Thomas,--2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixby
Acting chairman.

Registered.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ellen Thomas, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 2, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame C. Dyer

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6121

(C O P Y)

Land,
12,822-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Ellen Thomas for the identification of herself and her minor grandchild, Abbie Bush, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on February 2, 1903.

The record evidence in this case shows that the applicants base their claim to identification by reason of their descent from Ollie Hill and Nancy Williams, who it is alleged, were citizens of the Choctaw Nation and resided in the State of Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that Ollie Hill and Nancy Williams, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-2-

It appears from an examination of the records of this office that the names of Ellie Hill and Nancy Williams do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Chestaw treaty of 1830, and I therefore recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER

Acting Commissioner.

(H.W.H.)

P?

(C O P Y)

D.C.16899

J.W.H.

I.T.D.3534-1903.

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L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

June 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the applications for identification as Mississippi Cheetaws of Ellen Thomas (M.C.R.6121), for herself and her minor grandchild, Abbie Bush, including your decision of February 2, 1903, refusing to identify them as such.

It appears that the principal applicant, Ellen Thomas, was born in 1842, in Marshall County, Mississippi. She obtained her Cheetaw blood from her mother, Martha Hill, who was an one-half blood Cheetaw. The latter was the daughter of a full blood Cheetaw named Ollie. It is claimed that said Ollie married a man named Hill, and that they were residents of Marshall County, Mississippi, and owned land therein.

Applicant Abbie Bush is the granddaughter of the principal applicant. It appears that she obtained her Indian blood in part from her father, Wash Thomas, who was an one-half blood Cheetaw. The latter was the son of a white man named Williams by a full blood Cheetaw woman named Nancy.

The testimony furnished by the principal applicant fails to show that any of the ancestors above named ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or that they took advantage of the subsequent acts of Congress relating thereto. It does appear, however, from your decision, that there was a woman named Nancy, who was a beneficiary under said article 14. It is evident, from the testimony of the principal applicant, that she knows little if anything relative to her husband's ancestors. That being the case, it is considered that a rehearing if ordered, would prove of no value to the applicants. Reporting in the matter April 14, 1903, the Acting Commissioner of Indian Affairs stated that

"It appears from an examination of the records of this office that the names of Ollie Hill and Nancy Williams do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Cherokee treaty of 1830, and I therefore recommend that the decision of the Commission rejecting these applicants be approved."

The Department concurs in the recommendation of the Acting Commissioner, and your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M. C. R. 6121.

COPY.

Muskogee, Indian Territory, July 17, 1903.

Ellen Thomas,

Gurdon, Arkansas.

Dear Madam:-

You are hereby notified that on the 3rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Thomas et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

T. B. Neddles.

Commissioner in Charge.

M. C. R. 6121.

COPY.

Muskogee, Indian Territory, July 17, 1903.

Mansfield McMurtry & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 3rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Thomas et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6121.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

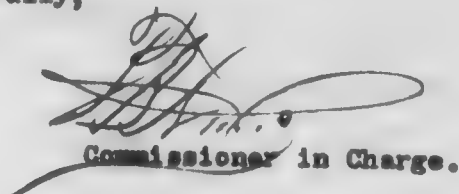
Muskogee, Indian Territory, July 17, 1903.

J. C. Lowery,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 3rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Thomas et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,


Commissioner in Charge.

For Identification as a Mississippi Choctaw.

444 31 1902

Date
Name Ellen Thomas

Age 60 Blood $\frac{1}{4}$

Post-Office, Gordon, Ark

Father, Robert Templeton d

Mother, Martha Hill. d

Claims through mother.
husbands Wash Thomas (2d)

Self and orphan grand child
grand
Child

Abbie Bush $\frac{3}{16}$ F 13.

Father, Tom Bush d

mother Elizabeth " $\frac{3}{8}$ d

Stenographer

Clara M. Woods

General Office M. E. R.
 Notice that Sec. of Int. has affirmed
 Commission's decision

J. C. LOWERY,
 Mesquite, Indian Territory.



Department of the Interior
 Commission to the Five Civilized Tribes,
 Muskogee, Ind. Terr.
 Official business.
 Penalty for private use, \$300.

6/21

File

CONF

CONF

100

CHAIRMAN

CONF

Choctaw MCR 6122

Louis F. Yates

See MCR 3205

See 120

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 8, 1902.

---O---

In the matter of the application of Louis F. Yates for the identification of himself and three minor children, Jim Yates, Marie Yates, and Oocheelater Yates as Mississippi Choctaws.

---O---

Louis F. Yates being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A L.F. Yates.
Q What is the "L" for? A Louis.
Q L-o-u-i-s? A Yes sir.
Q How old are you? A Twenty-six years old.
Q How much Choctaw blood have you? A I cant say exactly; I suppose about a sixteenth.
Q What is your post office address? A Muskogee.
Q How long have you lived at Muskogee? A I been here about eighteen months.
Q Where did you live before you came to Muskogee? A I lived in the Choctaw Nation part of the time.
Q How long? A Some two or three years.
Q Where did you live before you came to the Choctaw nation?
A In Texas.
Q How long did you live there? A About eight years.
Q Where did you live before you came to Texas? A Here in this country when I was a boy.
Q Where were you born? A Texas.
Q Is your father living? A No sir.
Q What was his name? A His name was Al Yates.
Q Is your mother living? A Yes sir.
Q What's her name? A Jeter.
Q How do you spell that? A J-e-t-e-r.
Q What's her first name, her given name? A Mary.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Your mother appeared before the Commission here last month and made application for identification as a Mississippi Choctaw did she not? A Yes sir.

reference is hereby made to M.C.R. Mary Jeter, said Mary Jeter being the mother of this applicant.

- Q About how old is your mother? A I suppose she's about '46 or seven - somewhere along there.
Q Where was she born? A I cant say now.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A Davidson.
Q His given name? A I cant tell you.
Q Dont remember it? A No sir I never seen him to know him.
Q Through which one of his parents did he get his Choctaw blood? A From his mother.

- Q What was her name? A Duvall.
Q D-u-v-a-l-l? is that the way you spell it? A I cant tell you; I never seen it wrote down.
Q What was his mother's given name? A I dont know that; I cant say.
Q Was Duvall her maiden name or married name? A Her maiden name I suppose.
Q Do you know through which one of her parents she got her Choctaw blood? A No sir.
Q Where did this Duvall live- your great grandmother?
A I cant tell you.
Q You dont know where your mother's father Davidson lived in his life time? A In Missouri part of the time and part of the time in Mississippi and Georgia; I cant say positively though.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Paralee.
Q P-a-r-a-l-e-e? A Yessir.
Q Was she any Choctaw blood? A No sir.
Q You dont make any claim for her then? A No sir.
Q Have you any children? A Three.
Q What are their names and ages the oldest first? A Jim Yates; six years old.
Q The next one? A Marie, three.
Q The next one? A Oocheelater.
Q Is that a boy or girl? A A boy.
Q How old is he? A Six months old.
Q The middle one's a girl? A Yes sir.
Q The oldest one a boy? A Yes sir.
Q This application then is for yourself and three minor children? A Yes sir.
Q Were you married to your wife paralee under a license?
A Yes sir.
Q Where? A Sherman Texas.
Q When? A The 23rd of September '93.
Q Have you that license with you at this time? A No sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Paralee for use in connection with the application you make in behalf of your minor children; you will be allowed a period of fifteen days from this date in which to furnish such evidence; you may furnish the Commission with your original marriage license and certificate or a certified copy thereof.

- Q Were you ever married before you married Paralee? A No sir.
Q Was she ever married before she married you? A No sir.
Q Is your name or the name of your oldest child to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No sir.
Q Is your child's name - do you know? A No sir.
Q Did you ever make application in your own behalf or in behalf of this oldest child to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No sir.

Louis F. Yates --3.

- Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896 to be enrolled as a Choctaw of the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then neither you nor your oldest child have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any description that has ever been made in your behalf or in behalf of your minor child for the purpose of establishing your rights as Choctaw Indians? A Yessir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctawlands in Indian Territory for yourself and minor children under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who insisted upon being permitted to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old nation and not move out west with the other Indians might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir.

- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A No sir.
- Q You are sure of that? A From what I've been told as far as I can recollect back.
- Q If they had ever complied with that treaty provisions they would have had to have done it about seventy two years ago; now do you know whether any of your Choctaw ancestors who might have been living seventy two years ago when the treaty was made did comply or attempt to comply with the provisions of this fourteenth article? A No sir I dont know.
- Q Do you know whether any of them lived in what constituted the old Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made? A No sir.
- Q Do you know whether any of them owned improvements there at that time? A No sir.
- Q You dont know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A No sir.
- Q Do you know whether any of them removed to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir I dont know.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q What is the name of your Choctaw ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather's name was Davidson.
- Q Is he the man you claim through? A Yes sir.
- Q You dont know whether he was living in 1830? do you? A No sir.
- Q You cant think of his first name? A No.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent whose name was Colonel William Ward failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay and become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and heard the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article but that their land

had been sold by the government; these commissioners were appointed by the President of the United States and they went to Mississippi and heard a great many of these cases.

- Q Did any of your ancestors appear before either of those Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
- Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians and you don't know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made or not? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anybody unless it would be my grandmother - grandfather's wife.
- Q Is she living? A She was some time ago.
- Q About how old is she? A She's up in '60 somewhere.
- Q What's her name? A Her name is -- she's been married again, I forget her name; she's been married the second time -- Grant.
- Q What's her given name? A Her given name is -- I don't know.
- Q Where does she live? A In Texas, Fannin County, the best I can remember.
- Q You don't know of anyone else who would likely know about this matter? A No sir I don't.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that your ancestors ever complied or attempted to comply with the provisions of this fourteenth article or received any benefits thereunder? A No.
- Q Have you any written evidence of any description to offer at this time? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from this date and their testimony will be taken; or if you should find any written evidence of any kind which

Levi S. Yates--6.

you desire to offer in support of your application such proper written evidence as may be offered within a period of fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir; I don't know as there is.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.

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This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; has dark hair, rather dark complexion, blue eyes, does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with any of the provisions of article fourteenth of the treaty of Dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Prince C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 25, 1902.

#6122.

In the matter of the application of Louis F. Yates, et al.,
for identification as Mississippi Choctaws.

Additional testimony of Louis F. Yates.

Louis F. Yates being first duly sworn testifies with reference to this application as follows:

Examination by the Commission.

- Q What is your name? A Louis F. Yates.
Q Have you appeared before the Commission, on August 5, 1902, and made application to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you now come before the Commission to identify yourself as the same person who is named in this certified copy of a married license you present as "Franklin Yates"? A Yes sir.
Q When you appeared before the Commission you gave your name as Louis F. Yates? A Yes sir.
Q In this marriage license it reads: "Between Franklin Yates and Miss Paralee Denson", is the Franklin Yates mentioned in this license the same as Louis F. Yates? A Yes sir, Franklin is my middle name.
Q When you obtained this marriage license you gave your middle name? A Yes sir, my father got my license and forgot to give the first name, Louis.
Q Do you want to introduce this certified copy of this marriage license at this time and make it a part of the records in your case? A Yes sir.
Q With the explanation that Franklin Yates is the same person as Louis F. Yates? A Yes sir, my initials are L. F. Yates, and Franklin is my middle name.
Witness excused.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of August, 1902, and that the within and foregoing is a true, full, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1902.

B. C. Jones
Notary Public.

Muskogee, Indian Territory, December 20, 1902.

Louis F. Yates,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Davidson, et al. embracing the following applications for identification as Mississippi Choctaws:

William Davidson	M.C.R. 3205
Annie Smith, et al.	M.C.R. 3206
Mary A. Jeter	M.C.R. 6052
Louis F. Yates, et al.	M.C.R. 6122.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Davidson, Annie Smith, ~~William Smith~~, ~~Everett~~

Louis F. Yates, --2

Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates, Jim Yates, Marie Yates and Gooheelater Yates as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in charge,

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6122.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 7, 1903.

Louis F. Yates,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Davidson et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

AUG 25 1902

Louis F. Yates.

Testifies and
introduces Detroit
copy of Mary Ann
Siemens, showing
that Franklin
Yates is the same
person as Louis
F. Yates,

Heard Aug 21.02

For Identification as a Mississippi Choctaw.

Date

AUG 5 1902

Name Louis F. Yates

Age 26

Blood

 $\frac{1}{16}$ Post-Office, Muskogee, I.T.Father: Al Yates dMother: Mary Jeter L

Claims through mother.

wife Paralle Yates L

No claim for wife.

Children:

Jim Yates M 6

Marie " F 3

Cocheelater " M. 6 mo

Self and 3 children

Stenographer

Clara M Wood

If not called for in ten days return to

P. F. ELLIS,
COUNTY CLERK, GRAYSON COUNTY.
SHERMAN, TEXAS.



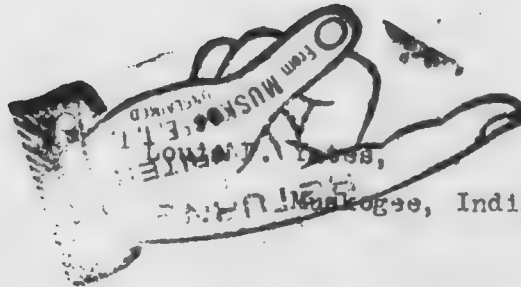
L. F. Gates,
Muskegon,
I. I.

Department of the Interior.

Subdivision to the U.S. Civil Service.

MUSKOGEE INDIAN TERRITORY.

Penalty for delay, \$100.



Muskogee, Indian Territory.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 9 1903



CHIEF CLERK

File

6122

Choctaw MCR 6123

Micajah A. Pickett

See MCR 6204, 6203, 6205
6202

MCR 6123

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Micojah A. Pickett, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Micojah A. Pickett, et al.,	M. C. R. 6123
Mary Catheran Ramsey, et al.,	M. C. R. 6204
George F. Pickett, et al.,	M. C. R. 6203
Caroline Eliza Brown,	M. C. R. 6205
Cassandra Lamb, et al.,	M. C. R. 6202

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List of papers forwarded to the Secretary of the Interior, com-
prising the record in the consolidated case of Mica-
jah A. Pickett, et al.

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Page.

Original application of Micojah A. Pickett, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Affidavit of Thos. A. Stevens,.....	10
Original application of Mary Catheran Ramsey, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	11
Original application of George F. Pickett, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	16
Certified copy of marriage record between George F. Pickett and Maggie Lee Crow,.....	21
Original application of Caroline Eliza Brown to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	22
Original application of Cassandra Lamb, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	26

(2)

Decision of the Commission to the Five Civilized Tribes,
refusing the applications for identification as Mississ-
ippi Cheetaws in the consolidated case of Micajah A.
Pickett, et al., 31

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 5, 1902.

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In the matter of the application of Micajah A. Pickett for the identification of himself and his three minor children Virgil Marion, Barbara Ellen and Jake Pickett as Mississippi Choctaws.

Micajah A. Pickett being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A M.A. Pickett.
Q What's that M for? A Micajah.
Q How do you spell that please? A M-i-c-a-j-a-h.
Q How old are you? A I'm fifty five; born in '47.
Q How much Choctaw blood have you? A We claim that it would be one sixteenth with me.
Q What is your post office address? A Bush Oklahoma.
Q B-u-s-h? A B-u-s-h.
Q How long have you lived in Oklahoma? A The last time I lived there I lived there about t eighteen months; I lived there twice.
Q Where did you live immediately before you went there the last time? A In Texas.
Q What County? A Jack.
Q How long did you live in Jack County Texas
A I lived there about five years, four or five years.
Q Where were you born? A Louisiana.
Q How long did you live in that state? A Until I was about seventeen.
Q Where did you go from there? A Texas.
Q And you lived the remainder of the time in Texas and Oklahoma? A Yes sir Oklahoma and the Chickasaw Nation - two years in the Chickasaw Nation; I lived in Greer quite a while while it was under the jurisdiction of Texas.
Q Is your father living? A No sir.
Q What was his name? A James Madison Pickett.
Q Is your mother living? A No sir.
Q What was her name? A Her name was Caroline Eliza Thomas.
Q That was her maiden name was it? A Yes sir.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q How long has she been dead Mr Pickett? A She's been dead as near as I can count it somewhere about twenty years.
Q How old was she when she died? A I dont know her exact age; we have no family record and all that I can do is just to figure from other things.
Q About how old was she when she died? A I dont know until I figure upon it and see and the way I would commence, my father was born in 1812 and he married at twenty five years old; my mother was thirteen when she married.
Q She was born then in 1824? A Twenty four or five.
Q Where was she born? A In Alabama.
Q What county? A I dont know what county.
Q Do you know in what part of the state she was born? A I

Micajah A Pickett--2.

- about where she lived in the state until she was married.
- Q Where? A Rufaula, Montgomery and Roanoke. In that part of Alabama.
- Q Through which one of her parents did your mother get her Choctaw blood? A We know no name for him only Phil.
- Q P-h-i-l? A I dont know how he spelled it.
- Q Was that a given name or surname? A A given name. Phil Thomas.
- Q Where was he born? A I suppose he was born in Alabama or Mississippi.
- Q When did he die? A He died-- I dont know the date-- some time after my father and mother was married; he was living when they married.
- Q Through which one of his parents did he get his Choctaw blood? A His mother I think.
- Q What was her name? A I dont know.
- Q You dont know the name of any of your Choctaw ancestors further back than Phil Thomas your grandfather? A No sir I dont.
- Q What was your mother's mother's name? A My mother's mother's name was the same as my father's name Pickett; my grandfather married two sisters; he married the eldest; she died and he married the youngest; they were a different generation of Picketts.
- Q Do you know whether your mother's father and mother were lawfully married or not? A No sir I dont.
- Q Do you know how long they lived together as husband and wife? A Only what I've heard my parents say about it.
- Q About how long? A There was two children in the family-- my mother and her brother.
- Q Did they live together until the death of one or the other of them? A Until the death of my grandfather.
- Q Was your mother ever in Indian Territory? A No sir.
- Q She was never recognized in any manner or enrolled as a member of the tribe out here? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Nancy Evans.
- Q Has she any Choctaw blood? A No sir not that I know of.
- Q You make no claim for her then? A No sir.
- Q Have you been married more than once? A No sir.
- Q Has she? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Eight.
- Q How many of them are under twenty one years of age and not married? A Three.
- Q What are their names and ages the oldest first? A The oldest is Virgil Marlen.
- Q How do you spell Virgil? A V-i-r-g-i-l I reckon.
- Q How old is he? A He's about fifteen.
- Q The next one? A The next one is Barbara Ellen.
- Q How old is she? A She's going on six years old.
- Q The next one? A The next one is Jake.
- Q How old is he? A He will soon be four.
- Q This application then is for yourself and three minor children yes sir.
- Q Is your name or the names of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.

Micajah A Picket--3.

- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or these children to be admitted or enrolled as citizens of that nation?
- A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children?
- A No sir.
- Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Is this the first application of any description that has ever been made for you or any of these children for the purpose of establishing your rights as Choctaw Indians?
- A The first application that has ever been made for me on

my children.

- Q What are the names of your children who are of age?
- A The oldest one is James Henry.
- Q The next one? A Mary Catherine. She is married; Ramsey.
- Q The next one? A The next one has my name, M.A. Junior.
- Q Micajah A. Jr.? A Yes sir.
- Q The next one? A The next one is George F.
- Q The next one? A The next one is Caroline Eliza Brown.
- Q That's all of them is it? A Yes sir.
- Q Have you any children dead? A Yes sir.
- Q Did any of them leave children? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A I don't know; I'm here to claim a right in the nation.
- Q You want to claim as a Mississippi Choctaw - is that your idea? A Alabama and Mississippi. As a Choctaw; we are Alabamians.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who insisted upon being permitted to remain and not move out west, what is known as the fourteenth article was put into the treaty: that fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she

shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission is authorized by an act of Congress approved on the 28th day of June 1898 commonly known as the Curtis Bill to determine the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek which I have just quoted to you; do you desire to make your claim for yourself and minor children under this fourteenth article?

- A Why all in the world I could do about it anyway would be to refer you back and see whether it was right or not; that's all I can do.
- Q Well you never have been recognized in any manner or enrolled as a member of the tribe have you? A No sir.
- Q Your children have not? A No sir.
- Q Your names are not on the rolls? A Not on the rolls that I know of.
- Q Then under the act of Congress approved on the 31st day of May 1900 the Commission is without authority to receive consider or make any record of any application of any person for enrollment as a member of the Choctaw tribe who has not been a recognized enrolled citizen of that tribe so unless you care to apply as a Mississippi Choctaw we are without authority to make any record of your application or receive or consider such an application as a Choctaw by blood? A Well do I understand you that -- if I understand you why of course I'm applying as a Choctaw - Choctaw by blood but now as far as those treaties and things and Dancing Rabbit Creek and so on I don't know anything about them at all.
- Q If you don't know what you are here for I don't know that we could determine. If you want to claim as a Mississippi Choctaw I will go ahead and hear your application; we have authority to hear your application and make a record of it as a Mississippi Choctaw but as an applicant for enrollment as a citizen by blood of the Choctaw Nation in view of the fact that your testimony discloses you have never been recognized in any manner or enrolled as a member of the tribe we would be without authority to make any record of any application.
- A Would you allow me to ask you a question so as to right myself?
- Q Yes.
- A I will just say this; that we are Alabamians; well is the

Choctaws in Alabama and the Mississippi Choctaws, all the Mississippi Choctaws.

- Q Why I dont know that I exactly understand what you mean but as I explained to you before quoting this fourteenth article, the Choctaws lived at the time the treaty was made in Mississippi and Alabama - the western edge of the state of Alabama; they all lived down there together and were all the same nation.

A That's all right then of course .

- Q This term Mississippi Choctaw is simply applied to the Choctaws who lived back there in the old Nation in Mississippi and Alabama.

A That was what I was trying to get at.

- Q You want to claim as a Mississippi Choctaw for yourself and children? A Yes sir.

- Q Do you think you understand the fourteenth article? A I dont know as I do.

In case a Choctaw who might have been living back in the old nation at the time this treaty was made seventy two years ago next month, decided that he wanted to stay there and not move west to the new nation he had the right to receive land there from the government upon certain conditions; first he was required to within six months from February 24, 1831 the date this treaty was ratified, let an agent which the government had in Mississippi in accordance with the terms of the fourteenth article know that he wanted to stay there and become a citizen of the states; the name of this agent the government sent down there was William Ward; he was known as Colonel William Ward; after the Indian had let Colonel Ward know he wanted to stay there become a citizen of the states and not move west to the new nation he was entitled to a reservation of six hundred and forty acres of land and for each unmarried child in his family living with him in 1830 on the 27th day of September, the day the treaty was ratified, over ten years of age he was entitled to a half section and for each child in his family under ten years of age he was entitled to a quarter section; the reservations so made for these children were required by the terms of the fourteenth article to adjoin the location of the parent; not if these Indians lived on this land intending to become citizens of the states for five years after the ratification of this treaty they were entitled to a grant in fee simple for the land; that is the government would give him a deed or patent to the land which would enable him to dispose of it at his pleasure. The reservations so made for these Indians were required by the terms of that article to include the improvement of the head of the family as it existed on the day the treaty was made, or a portion of it. Now the concluding clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is if an Indian stayed back in Mississippi in 1830 and

M A Pickett-7.

took land that he should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever removed to the new nation Indian Territory he was not to be entitled to any portion of the Choctaw annuity. Annuity is money which becomes due each year to the Choctaw tribe of Indians from the government of the United States under treaty provisions.

- Q Do you think you understand that? A I believe I do.
- Q Did any of your Choctaw ancestors live back in the old nation in 1830 when this treaty was made? A The way I figure at it my grandfather and grandmother and mother was then living there.
- Q Do you know in what part of the old nation they lived?
- A No sir I dont ; I cant tell you anything more than just those things I speke about that they have talked about in my presence.
- Q Then Phil Thomas your grandfather according to your testimony was in 1830 living in the state of Alabama and he was at that time the head of a family? A Yes sir.
- Q Did he have an Indian name? A I dont know whether he had an Indian name or not.
- Q How much Choctaw blood did he have? A He was a quarter is my understanding .
- Q You claim through your grandfather Phil Thomas? A Yes sir.
- Q Do you know whether he owned an improvement in what constituted the old Choctaw Nation in 1830 when the treaty was made? A No sir I dont know.
- Q Do you know whether within six months from the time this treaty was made he let the agent there for the government Colonel William Ward know he wanted to stay become a citizen of the states and take land? A Not that I know of.
- Q Do you know whether anyone in your mother's behalf let this agent know that she wanted to stay and become a citizen and take land? A No sir I dont know.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the tribe between 1833 and 1838? A I dont know.
- Q Did any of them ever claim or receive any land from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A I dont know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi Colonel William Ward to register the names of such Indians as might desire to remain there become citizens of the states and take land; the records in the possession of the government show that this agent Colonel Ward failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay there and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of 1830; this caused a great deal of complaint among the Indians and the matter was finally

M A Pickett-8.

brought to the attention of Congress and Congress passed certain acts between 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Indians who claimed they had complied in all respects with the provisions of that fourteenth article but their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between 1837 and 1845 and heard a great many of those Choctaw cases.

Q Did any of your ancestors appear before any of those commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?

A Not that I know of.

An act of Congress approved on the 23rd day of August 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but his land had been sold by the government that he should be entitled to select in the place of the land so sold by the government land someplace else in Mississippi, Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect.

Q Did any of your ancestors ever get any of this scrip from the government? A Not to my knowledge.

Q So far as you know then none of your ancestors ever received any benefits what ever as Choctaw Indians

A So far as I know they never received any.

Q Do you know whether any of them were recognized members of the tribe in 1830 or not? A No sir I do not.

Q Do you know of any old person living who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time?

A No sir.

Q Have you any witnesses here today? A No sir.

Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days and their testimony will be taken or if you should discover any written evidence which you desire to offer in support of your application such proper written evidence as may be introduced within fifteen days from this date will receive the consideration of the Commission.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Were you married to Nancy E. Pickett under a license?

A Yes sir.

H A Pickett--9.

Q When? A 1872 I believe it was.
Q Where? A In Texas.
Q Who performed the ceremony? A I dont remember.
Q What was his official position? A Preacher.
Q Have you your license and certificate with you at this time? A No sir.

It will be necessary that this Commission be furnished with proper evidence of the marriage of yourself and wife Nancy E. Pickett for use in connection with the application you make in behalf of your minor children. You will be allowed a period of fifteen days from this date within which to submit such evidence; of course the best evidence of your marriage would be your original marriage license and certificate the next best is a certified copy.

Q Have you any brothers living? A One.
Q What is his name? A Whitfield Thomas Pickett.
Q Has he ever been before the Commission? A No sir.
Q Where does he live? A Fort Worth Texas; the last account I had of him he was at Fort Worth.
Q Have you any sisters living? A Yes sir.
Q How many? A Seven.
Q Give their names. A The oldest one of my sisters married the second time.
Q Give us the present married name? A One is Nancy McKee.
Q Spell that please? A M-c-R-e-e.
Q The next one? A The next one is Martha-- he's a man I never seen; he lives in Southland Indiana; Humphrey.
Q The next one? A Elizabeth Meidgens.
Q The next one? A The next one is Cassandra Lamb.
Q The next one? A The next one is Sarah Okeef.
Q The next one? A The next one is Virginia Goens.
Q The next one? A Lucy Sargent.
Q That's all of them is it? A Yes sir.
Q Have you any sisters dead? A Yes sir.
Q How many? A One.
Q Did she leave children? A No sir.
Q Have you any brothers dead? A No sir.
Q Have any of these brothers and sisters been before the Commission? A Not that I'm aware of. I dont think they have.
Q Have any of these children been before the Commission?
A No sir.
Q Your mother I believe you stated had one brother did you?
A One own brother.
Q What was his name? A Whitfield Thomas.
Q Did he leave any children? A Yes sir.
Q Do you know their names? A I know one that's living - Elizabeth.
Q What's her married name? A I dont know whether she's married or not; that was her name; I haven't seen her heard of them in thirty years.
Q Do you know whether any of her brothers or sisters left children - Elizabeth's brothers or sisters left children?
A Now of my aunt's brothers and sisters - is that the way I understand you?
Q Elizabeth's brothers and sisters? A She had brothers and sisters; I dont suppose they've got children - old enough to leave children.

- Q You dont know the names of any of that branch of the family except Elisabeth? A Yes sir her brothers and sisters.
- Q Tell us their names? A John, Pomp, Dicie, Georgia.
- Q Were Dicie and Georgia married? A Yes sir.
- Q Do you know the ir married names? A No sir.
- Q Where do these people live ? A They did live in Texas.
- Q Do you know whether they have been before the Commission?
- A No sir I dont.
- Q Did your mother ever have any half brothers or sisters? who had the same father that she had? A Yes sir.
- Q How many? A Two.
- Q What are their names? A One's named Gus and Lucy Thomas.
- Q They were her half brothers and sisters? A yes sir.
- Q Did Gus leave any children? A He had some children but it's my understanding they died out with cholera; I know three that died with cholera.
- Q None of his descendants are living that you know of ? A Not that I know of.
- Q What was Lucy's married name? A Tarver; she married three times.
- Q Are any of her children living? A She has a son that I heard of through my sister.
- Q What's his name? A Jones.
- Q Given name? A Sydney.
- Q Where does he live? A In Texas.
- Q Has he been before this Commission? A Not that I'm aware of.
- Q Are any other of Lucy's children living? A No sir not that I know of I haven't heard from any of them for at least thirty years but just this child Sydney Jones. And then they had a daughter Lucy; she married in Texas and his name was Burleson but it's been thirty two or three years since she married and I haven't heard of them since.
- Q So far as you know none of your relatives have ever been before the Commission? A None of them as far as I know has ever been before the Commission at all.
- Q Do you speak or understand the Choctaw language? A No sir.

---0---

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; his hair is black mixed with gray; he has a rather dark complexion, dark eyes; does not speak or understand the Choctaw language; has no knowledge of compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled case on the 5th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4th day of August 1902.

Bruce C. Jones
Notary Public.

Miss. Choctaw 6123

Muskogee, Indian Territory, September 25, 1902.

Micajah A. Pickett,

Busch, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Thomas Stevens relative to the marriage of Micaja Augustus Pickett and Nancy Ellen Stevens, in Falls County, Texas, on March 20, 1872, which is offered in support of the applications of Micajah A. Pickett and his children for identification as Mississippi Choctaws. The same has been filed with the record in this case, but before it can be accepted as conclusive evidence of your marriage to Nancy E. Pickett, it will be necessary for you to forward to the Commission the certificate of the Clerk of the County in which your marriage took place, showing his inability to furnish you a certified copy of the marriage record, owing to the destruction of the county records, and also the affidavit of another witness who was present at your marriage. If you can secure a certified copy of your marriage license and certificate you should forward that to the Commission in evidence of said marriage.

Respectfully,

COPY

Muskogee, Indian Territory, December 29, 1902

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Micaiah A. Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Micaiah A. Pickett, et al.,	M.C.R. 6123
Mary Catheran Ramsey, et al.,	M.C.R. 6204
George M. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Micaiah A. Pickett, Virgil Marion Pickett, Barbara Ellen Pickett, Jake Pickett, Mary Catheran Ramsey, Stella I. Ramsey, Carl Ramsey Glenn Ramsey, Herace Ramsey, Elder Ramsey, Eugene Ramsey, George F. Pickett, John Micaiah Pickett, Caroline Eliza Brown, Cassandra Lamb and Archibald Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dickey
Acting Chairman.

COPY

Muskogee, Indian Territory, December 29, 1902.

Micajah A. Pickett,
 Busch, Oklahoma.

Dear Sir:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Micajah A. Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Micajah A. Pickett, et al.,	M.C.R. 6123
Mary Catherine Ramsey, et al.,	M.C.R. 6204
George F. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Micajah A. Pickett, Virgil Marion Pickett, Barbara Ellen Pickett, Jake Pickett, Mary Catherine Ramsey, Stella I. Ramsey, Carl Ramsey, Glenn Ramsey, Horace Ramsey, Elder Ramsey, Eugene Ramsey, George F. Pickett, John Micajah Pickett, Caroline Eliza Brown,

Cassandra Lamb and Archibald Lamb as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Micajah A. Pickett, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 29, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Micajah A. Pickett, et al.,	M.C.R. 6123
Mary Catheran Ramsey, et al.,	M.C.R. 6204
George F. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys ~~There is also transmitted herewith the affidavit of~~ for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith the affidavit of M.H.

Secretary-----2

Rekin, in relation to this case, filed with the Commission on
January 13, 1903.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 6123

Muskogee, Indian Territory, January 17, 1903.

Micajah A. Pickett,

Busch, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst., relative to the decision of the Commission refusing the several applications for identification as Mississippi Choctaws included in the consolidated case of Micajah A. Pickett, et al.

You enclose the affidavit of Mary E. Eakins to be filed in this case.

In reply to your letter, you are informed that the fifteen days heretofore granted you within which to file arguments in support of the claims of the several applicants in this consolidated case expired on January 13, 1903.

On January 14, 1903, the record in the case, together with said affidavit and the decision of the Commission refusing the applications of the several persons included in this case, was forwarded to the Secretary of the Interior.

M A P S

You will be duly notified of such action as may be
taken by him.

Respectfully,

Commissioner in Charge.

(COPY)

Land
3978-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Micajah A. Pickett, for himself and his three children, Virgil Marion, Barbara Ellen and Jake Pickett; Mary Catherine Ramsey, for herself and her six children, Stella I., Carl, Glenn, Horace, Elder and Eugene Ramsey; George F. Pickett for himself and child John Micajah Pickett; Caroline Eliza Brown; Casandra Lamb, for herself and child Archibald Lamb, wherein a decision adverse to the applicants was rendered by the Commission on December 29, 1902.

An examination of the evidence in this case shows that Phil Thomas is the ancestor from whom these applicants claim identification as Mississippi Choctaws, and it is alleged that he was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

-2-

The decision of the Commission rejects these applicants is based on the ground that the name of Phil Thomas, or of an ancestor less remote, is not found in its records as one of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made with reference to the name of Phil Thomas, and it is discovered that this name is not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these parties be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

(COPY)

D C 6464-1903.

DEPARTMENT OF THE INTERIOR.

J.W.H.

I.T.D. 2267-1903.

Washington

JHE

2058 "

March 4, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 14, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Micaiah A. Pickett (M.C.R. 6123), for himself and his three minor children, Virgil Marion, Barbara Ellen and Jake Pickett; of Mary Catheran Ramsey for herself and her six minor children, Stella I., Carl, Glenn, Horace, Elder and Eugene Ramsey; of George F. Pickett for himself and his minor child, John Micaiah Pickett; of Caroline Eliza Brown for herself; and of Cassandra Lamb for herself and her minor child, Archibald Lamb, including your decision of December 29, 1902, refusing to identify them as such.

Applicants Micaiah A. Pickett and Mary Catheran Ramsey, through whom the others claim, are the children of Caroline Eliza Thomas, an eighth blood Choctaw, who was born in 1824 in Alabama, and who was married in 1837 to James Madison Pickett. She was the daughter of Phil Thomas, a quarter blood Choctaw, who was also a

resident of the old Choctaw Nation in 1830.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relative thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 20, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 6183.

Muskogee, Indian Territory, March 14, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Micajah A. Pickett, et al., of which decision you were advised by mail on the 29th day of December, 1902.

Respectfully,

Tamm Denny
Chairman.

M.O.B. 6128

COPY

Muskogee, Indian Territory, March 14, 1903.

Micajah A. Pickett,

Busch, Oklahoma Territory.

Dear Sir:

You are hereby notified that on the 4th day of March, 1903, The Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Micajah A. Pickett, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

MR
6123

Vergil M. Pickett 15

Barbara Ellen Pickett 5

Jake Pickett 3

MR
6204

Mary Catheran Pickett 27

William Ramsey

MR
6203

George F. Pickett 21

Maggi Lee Crow

MR
6205

Caroline Eliza Pickett 15

Jack Brown

James Henry Pickett

Micajah A. Pickett, jr.

MR
6204

Stella I. Ramsey 9

Carl Ramsey 6

Glenn Ramsey 5

Horace Ramsey 3

Elder Ramsey 2

Eugene Ramsey 3 m

MR
6203

John Micajah Pickett 3 m

MR
6123

Micajah A. Pickett 5 1/2

Nancy Ellen Evans

MR
6202

Cassandra Pickett 17

Dan A. Lamb

MR
6202

Archibald Lamb 13

X

(or Cordelia)

Phil Thomas 1/4

Caroline Eliza Thomas

James Madison Pickett

Nancy Pickett (w?)

(dead)

(dead)

Consolidated Case
of
Micajah A. Pickett
et al

6123

2

Whitfield Thomas Pickett

Nancy Pickett

mar

— McKee

Martha Pickett

mar

— Humphrey

Elizabeth Pickett

mar

— Merdgers

Sarah Pickett

mar

— O'Keef

Virginia Pickett

mar

— Goens

Lucy Pickett

mar

— Sargent

Phil Thomas Caroline E. Thomas

mar

— Jm Pickett
et

6123

For Identification as a Mississippi Choctaw.

Date

AUG 5 1902

Name Micajah A. Pickett

Age 55 Blood 1/16

Post-Office, Busch, Okla.

Father: James M. Pickett d

Mother: Caroline E. d

Claims through mother.

wife Nancy E. Pickett L

No claim for wife.

Children:
(Virgil)

Virgil M. Pickett m 15

Barbara E. " 5

Jake " 3

Half-brother - 3 children

grapher

Chara M. Hood

Choctaw MCR 6124

Georgia Eller McCarley

See MCR 6223

MCR 6124

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 6, 1902.

---0---

In the matter of the application of Georgia Eller McCarley for the identification of herself and her three minor children Jacob Roy, Malcolm Lee and Robert Dewey McCarley as Mississippi Choctaws.

Georgia Eller McCarley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Georgia Eller McCarley.
Q How old are you? A Thirty years old last Thursday.
Q How much Choctaw blood do you claim? A I dont know hardly; my great grandfather was three quarters and I dont know how much that would give me.
Q What is the name of your father? A Gaddis.
Q Give me his full name? A Jacob Gaddis.
Q Is he living? A No sir he's dead.
Q How old would he be if he was living now? A He would be - he was sixty years old when he died; he died in '93; he was sixty years old in February and died in August '93.
Q Would he about sixty nine years of age if living now? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Tennessee Ellen. Her maiden name was Bailey.
Q How old would your mother be if living? A She would be fifty years old; she's been dead two years; she would be fifty years old this la st July.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Was your mother a white woman? A Yes sir she was a white woman.
Q Where was your father born? A I think he was born in Tennessee. I aint sure but I think that's where he was born.
Q Where did he die? A Died in Dallas Texas.
Q How old was he when he moved from Tennessee? A He was a young man when he left Tennessee.
Q Where did he go? A Kentucky.
Q And from Kentucky where? A Texas in '85.
Q Did he ever live in the state of Mississippi? A I dont know whtether he did or not; my gr andfath r hi s name was Mable/ that's where we got the blood.
Q But you dont know whether your father ever lived in Mississippi or not? A No I dont; you see he was all young and I dont know.
Q Were you born in the state of Texas? A No sir I was born in Kentucky.
Q And moved from Kentucky to Texas? A Yes sir.
Q What is your post office address in Texas now? A I live in the Territory now at Tishomingo.
Q What is your post office address? A Tishomingo, I.T.
Q You moved from Texas to the Territory did you? A Yes sir.
Q How long did you live in the Territory? A Since last October.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Andrew Jackson McCarley.
Q Is he a white man? A Yes sir.

Georgia Eller McCarley--2.

- Q Makes no claim to Choctaw blood? A No sir.
- Q Have you any children you want to make application for
- A I've got three.
- Q Give us their names and ages please? A Jacob Roy.
- Q How old is he? A He's ten years old today.
- Q The next one? A Malcolm Lee, five years old.
- Q That's a girl? A Yes sir.
- Q The next one? A Robert Dewey.
- Q How old is he? A Three months.
- Q Are you the mother of these three children? A Yes sir.
- Q And Andrew Jackson McCarley is the father? A Yes sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A I don't think he was; I don't know.
- Q Did he ever live in the Indian Territory? A No sir he never did.
- Q Did you ever know of his making application to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation
- A No sir.
- Q Then you know that as a matter of fact his name is not on any of the rolls of the Choctaw tribe in Indian Territory?
- A I don't think my father's was.
- Q Were your father and mother legally married? A Yes sir.
- Q Were they married under a license? A They were married in Scottsville Kentucky.
- Q Have you the evidence of their marriage? A No sir.

It will be necessary for you to file with the Commission evidence of the marriage of your father and mother which you can do by furnishing the original marriage license and certificate or a certified copy of the same; in case of the loss or destruction of the records containing the record of the marriage, the affidavits of two disinterested persons witnesses to their marriage will be accepted.

- Q Is your name or the names of any of your minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you or for your children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indian on September 27, 1830? A Yes sir.
- Q That is your object in coming here is it to be identified as a Mississippi Choctaw claiming your right under the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was entered into between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; the Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line; at the time the treaty was made a great many of those Choctaws objected to coming to this new country and wanted to remain in the old Choctaw nation and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw elected to remain in the old Choctaw nation and take land from the government under the provisions of this fourteenth article he should within six months from the date of the ratification of the treaty which was done by Congress on the 24th day of February 1831, go before the government agent there in the old Choctaw Nation and let him know that he wanted to remain and take land there under that fourteenth article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land and for each minor child in his family unmarried and over the age of ten years he was entitled to one half that quantity or three hundred and twenty acres of land and for each child under ten years of age he was entitled

to a quarter section or one hundred and sixty acres of land the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family at the time the treaty was made; this article also required that after a Choctaw had received his land from the government he should reside upon it for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that those Choctaws who remained in the old Choctaw Nation and complied with this article by taking land and residing upon it for the term of five years did not forfeit his right of citizenship in the Choctaw Nation Indian Territory but they did lose any right to claim any portion of the annuity; annuities were moneys which were being paid to the Choctaw tribe of Indians annually by the government under treaty provisions.

- Q That is article fourteen and the explanation of it; do you think you understand it sufficiently well to base your claim on it? A Well I dont know.
- Q If you do not understand it, let me know and I will explain any portion of it further. You claim as a Mississippi Choctaw do you? A Yes sir.
- Q As the descendant of a Mississippi Choctaw? A Yes sir.
- Q In order for you to be identified as a Mississippi Choctaw the Commission will require that you reasonably demonstrate that you are the descendant of Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made or concluded September 27, 1830. What is the name of your ancestors who lived in the old Choctaw Nation at the time this treaty was made.
- A Charles Madewell.
- Q You understand now that you are making your claim under the fourteenth article - your claim is that Charles Madewell is the ancestor through whom you claim your right to identification as a Mississippi Choctaw and you intend to submit proof in line with what I have stated to you as to his compliance with the fourteenth article? A Yes sir.
- Q How much Choctaw blood was Charles Madewell possessed of? A Three quarters.
- Q What relation was he to you? A He was my great grandfather.
- Q You claim your Choctaw blood from your father Jacob Gaddis; which parent did he get his Choctaw blood from? A His mother.
- Q What was her given name? A Mary Madewell.
- Q Who did she marry? A She married Gaddis.
- Q What was his given name? A John.
- Q Was he a white man? A Yes sir.
- Q How how much Choctaw blood did Mary Madewell claim to have; her father was three quarters? A I cant tell you.
- Q Do you know what your great grandmothers name was? A No sir.
- Q Do you know whether she was a white woman or not? A No I dont know; I guess she was though.
- Q How is your father Jacob Gaddis the son of John Gaddis and Mary Madewell? A Yes sir.

- Q Did your father have any brothers or sisters older than he?
A No sir he was the oldest.
Q He was the eldest child? A Yes sir.
Q Do you know when your grand mother and grand father were married. A No sir I dont.
Q Have no idea as to what date or year? A No sir.
Q Were they married in 1830 do you think? A My father was born in '33 and he was the oldest child.
Q Did your grandmother Mary Gaddis have any brothers or sisters older than she? A I dont know whether she did or not.
Q Your great grandfather Charles Madewell was married and head of a family in 1830? A I suppose so/
Q Can you give the Commission the name of your ancestor who was married and head of a family in 1830 ; which one of your ancestors was married and head of a family in 1830 seventy two years ago? A Well my grandfather was - my grandfather John Gaddis; he was.
Q Married and head of a family in 1830? I guess he was.
Q I understood you to state a while ago that your father the oldest child was born in 1833.
A Yes sir he was born in '33.
Q You cant say positively whether your grandfather and grandmother were married at that time or not? A No sir.
Q The Commission has asked you to furnish the evidence of the marriage of your father and mother; now can you furnish the Commission with any evidence of the marriage of your grandfather and grandmother; is it amongst your family papers anywhere. A I dont know whether it is or not; I haven't got them; I dont know whether they have got the marriage certificate or not.
Q Were Charles Madewell and Mary Madewell who married John Gaddis recognized members of the Choctaw tribe of Indian in 1830? A I dont know.
Q Did Mary Madewell comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I dont know.
Q Did Charles Madewell comply or attempt to comply with article fourteen of this treaty? A I dont know.
Q Were either of them living in the old Choctaw nation in 1830 when this treaty was made? A I dont know.
Q Where were your grandfather and grandmother married do you know what state? A No sir I dont know.
Q Do you know whether Charles Madewell or Mary Madewell ever resided in the state of Mississippi? Charles was in either Mississippi or Alabama; I cant say positively which place.
Q Did Charles Madewell or Mary Madewell who married John Gaddis own any improvements in Mississippi or Alabama at the time this treaty was made the 27th of september 1830?
A I dont know.
Q Did any of your ancestors remove from the old Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory between the years 1833 and 1836 at the time the main portion of the Choctaws moved to the Indian Territory? A I dont know.
Q Did Charles Madewell or Mary Gaddis your grandmother and great grand father within six months from the 24th day of february 1831 go before Colonel William Ward who was at that time the government agent in the old Choctaw nation

Georgia Miller McCarley--6.

in Mississippi and Alabama and tell him they wanted to stay and take land and become citizens of the states? A I dont know.

Q Do you know whether either your grandmother or great grandfather ever received any land from the United States government as Choctaw Indians or not? A No sir I dont know. I dont think they did.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed its agent in the old Choctaw Nation in Mississippi and Alabama to register the names of such Choctaws as wanted to remain in the old Choctaw Nation and become citizens of the states and who wanted to take land under the provisions of article fourteen; the records of the government show that this agent failed to register the names of a great many Choctaws who went before him and told him that they wanted to stay there and take land and on this account land on which Choctaws owned improvements and which they wanted reserved for them under this fourteenth article were sold by the government at its public land sales and the Choctaws were deprived of their land; this caused a great many complaints and these complaints finally reached Congress and Congress under an act passed in 1837 and another in 1842 authorized Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims of Choctaw Indians who claimed they had complied in all respects with article fourteen of the treaty of 1830 but their land had been sold by the government; these commissions went to Mississippi and heard a large number of claims; some they allowed and some rejected; of the claims allowed if Choctaws established their claims before either of these Commissions and it was found that their land had not been sold, after the approval of the claim by the Secretary of war and the President the Choctaws were given the land; if Choctaws appeared before these Commissions and established their claim to land and the land had been sold by the government they were given scrip in lieu of the land that had been sold and under this scrip they were entitled to locate on vacant government land in the states of Mississippi Alabama Louisiana or Arkansas.

Q Do you know whether Charles Madewell or your grandmother Mary Madewell who married John Gaddis appeared before either of these Commissions and made the attempt to establish claim to land under article fourteen of the treaty of panning Rabbit creek? A No sir I dont.

Q Do you know whether either of them ever received any scrip from the United States government in lieu of land which they claimed under article fourteen which had been sold by the government? A No sir I dont.

Q Did either of them own any land in the states of Mississippi Alabama Louisiana or Arkansas? A Charles Madewell owned land but I dont know how he came by it.

Q Where did he own this land? A He owned it -- I dont know which place he lived - it was either Alabama or Mississippi

Georgia Miller McCarty--7.

- Q Have you any knowledge of how he came in possession of that land or how he disposed of it? A No sir.
- Q Just a matter of family history he owned the land A He owned the land.
- Q Do you know what year he owned this land? A No sir I don't.
- Q You have no proof of any kind you can bring before the Commission to show that Charles Madewell or his daughter Mary Madewell who married John Gadd a complier attempted to comply with article fourteen? A We have some witnesses but they are not here; they are in Texas. Would they have to come here before the Commission to take their depositions.
- Q Is it your intention to introduce evidence before the Commission that would tend to show that Charles Madewell or his daughter Mary who married John Gadd a complier with article fourteen of the treaty of 1830? A Yes sir.
- Q You desire some additional time in which to produce that evidence? A Yes sir; we will have to have some time.

Thirty days will be allowed the applicant in which to introduce evidence tending to show compliance on part of her ancestors with the provisions of article fourteen of the treaty of 1830.

- X Will those witnesses have to appear here?
- Q The Commission desires whenever it is possible to examine witnesses in person and under oath; in cases though where they are non residents and incapacitated by old age or infirmity the Commission will consider their depositions when those depositions are taken in accordance with the rules and regulations of the Commission governing the taking and submission of depositions in claims of this character.
- A Our witnesses are in Dallas, Texas; they are old.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits of any character from the United States government as Choctaw Indians? A No sir; I don't know whether they did or not.
- Q So far as you know were any of them ever recognized member of the Choctaw tribe of Indians? A No sir.
- Q Have you any written evidence you want to offer in support of your application at this time? A No sir I haven't got any.
- Q Have you any witnesses you want to introduce to testify in support of your application today? A No sir.
- Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaws? A No sir.
- Q Have you any brothers or sisters living? A Yes sir I have eight sisters and one brother.
- Q Give us their names commencing with the eldest.
- A Lavinia Florence Thompson.
- Q What is the name of her husband? A Edward Thompson.
- Q The next eldest? A Hiram Melton Gaddis.
- Q Is he married? A Yes sir.
- Q Is his wife a white woman? A Yes sir.
- Q What is her name? A Lizzie.
- Q The next child? A Maggie Lee Thompson.
- Q What is the name of her husband? A Robert Thompson.
- Q The next one? A Dora Madewell.
- Q What is her husband's name? A Harrison Madewell.
- Q Is he any relation of hers? A Well distant relation; I don't know what relation.

Georgia Miller McCarley--2,

- Q Is he any relation to this common ancestor Charles Made-
well? A Yes sir.
Q He makes claim to being possessed of Choctaw blood does he?
A Yes sir.
Q The next one after Dute? A Goodie Vestal.
Q What's the name of her husband? A Charlie Vestal.
Q Is he a white man? A Yessir.
Q The next child? A Louisa.
Q Louisa what? A Louisa Reeves.
Q What's the name of her husband? A Felix.
Q He is a white man? A Yes sir.
Q The next brother or sister? A Myrtie Green Gaddis; she isn't
married.
Q How old is she? A She's eighteen.
Q You have given now the names of all your brothers and
sisters who are over the age of twenty one and unmarried?
A No there's one younger than Myrtie Green that's married.
Q What's her name? A Tennessee Catherine Estill.
Q What is the name of her husband? A Willie.
Q Is he a white man? A Yes sir.
Q Is that the names of all your brothers and sisters who are
married and over the age of twenty one years? A Yes sir.
Q How many are there under age? A One.
Q What is it's name? A Johnnie May.
Q How old is she? A Fourteen years old.
Q Have any of your brothers and sisters been before the Com-
mission? A No sir.
Q Have any of your relatives been before the Commission? A No
sir.
Q Are there any further statements you want to make? A No sir.

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The applicant has dark complexion tanned by sun, dark hair, dark brown eyes, appearance of a person of white parentage; testifies she has no knowledge of any act of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

- Q Do you speak or understand the Choctaw language? A No sir
I do not.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of August 1908 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15 day of August 1908.

Bruce C Jones
Notary Public.

M.C.R. 6124

Muskogee, Indian Territory, August 29, 1902

A. M. Oliphant,

Tishomingo, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of the 27th inst., enclosing the affidavit of Mrs. Georgia McCarley, an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes, wherein she sets forth her reasons for desiring to have the depositions of George Dykes, William Taylor and John Gaddis taken in support of her application; also a copy of the interrogatories to be propounded to said witnesses whereof is attached the certificate of B. F. Hackett, United States Marshall for the Central District, Indian Territory, certifying that a copy of said interrogatories had been served upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the application of Georgia McCarley, et al., and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued authorizing the taking of these depositions and will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Acting Chairman

M.C.R. 6124

Muskogee, Indian Territory, Sept. 12, 1902.

A. M. Oliphant,

Tishemingo, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of George Dykes, to be read in evidence in the application of Georgia Eller McCarley, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Attached to said commission are direct and cross interrogatories to be propounded to said witness and a caption and certificate to be filled out by the notary taking said deposition.

Immediately upon receipt of these documents you will have them placed in the hands of an officer authorized by law to take depositions and when the taking thereof is completed return same to this Commission.

Yours truly,

Acting Chairman

Enclosure
G.H. 143

Muskogee, Indian Territory, January 28, 1903,

Georgia Eller McCarley,

Tishomingo, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.O.R. 6223
John T. Gaddis	M.O.R. 6226
William G. Burden, et al.	M.O.R. 6227
Lezinka Thompson, et al.	M.O.R. 6127
Georgia Eller McCarley, et al.	M.O.R. 6124
Harmon M. Gaddis, et al.	M.O.R. 6136
Maggie Lee Thompson, et al.	M.O.R. 6125
Goodie Vestal, et al.	M.O.R. 6128
Leulou Reeves, et al.	M.O.R. 6224
Mirtie Gaddis	M.O.R. 6129
Harrison F. Madewell, et al.	M.O.R. 6225

These applications were made under the provision of the act of Congress of June 26, 1902 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and

to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Georgia Eller McCarley,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonso Gaddis, Roscoe Gaddis, Nero Gaddis, Jennie May Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Blossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madewell, Do te Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

Registered.

DOY.

M.O.R. 6184.

Muskogee, Indian Territory, April 27, 1903.

Georgia Eller McCarley,

Tishomingo, Indian Territory.

Dear Madam:

You are heroby notified that on the 18th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

SIGNED

Tamc Doby.
Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 6 1902

Name Georgia Ellen McCarley

Age 30 Blood Not Known

Post-Office, Tishomingo S. I.

Father: Jacob Gaddis Dead

Mother: Annure Ellen Gaddis Dead

Claims through
Husband fatherAndrew Jackson McCarley ✓
no claim for husband

Children:

Jacob Roy	"	10
Malcolm Lee	" (2)	5
Robert Dewey	"	3 m

Claims for self & children

Stenographer

Clara M Wood

10270
10230



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

FORWARDED

Second Notice

7/10-E

Georgia Ellen McCarroll

Dishominy

Dallas Texas

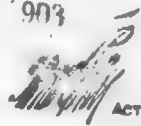
RETURN TO WRITER

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42 ad 7/22/03

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE CIVILIZED TRIBES.

MAR 10 1903



ACTING CHAIRMAN.

REGISTERED
MAR 7 1903
MUSKOGEE, IND. TER.

9/6
DALLAS, TEX.
FEB 6
INDUSTRIAL DIVISION

6124 *George Washington Dikes*

The Deposition of *George Washington Dikes*

to be read in evidence in the matter of the application of *George E. McCarley et al*, for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

L. E. Burgess

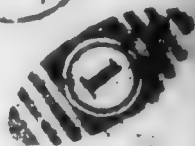
Notary Public

(Official Character.)

Dallas County

P. 450.

MISSISSIPPI FIVE TRIBES	
133.	Received
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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

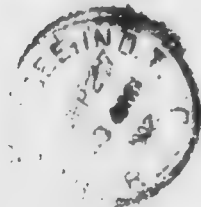
MUSKOGEE,

INDIAN TERRITORY.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

44 143

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MCA 6124

The Deposition of John Raddis

to be read in evidence in the matter of the application of Georgia E. McCarty et al, for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

J. E. Burgess
Notary Public,
(Official Character.)
Dallas County,
Mississippi to Five Tribes.

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COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE,
INDIAN TERRITORY.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.

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WA 145-



1907

Choctaw MCR 6125

Maggie Lee Thompson

See MCR 6223

MCR 6125

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, August 6, 1902.

In the matter of the application of Maggie Lee Thompson
 for the identification of herself and her minor child
 Lillian Ruth Thompson as Mississippi Choctaws.

Maggie Lee Thompson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Maggie Lee Thompson.
 Q Do you spell that with a "P"? A Yes sir.
 Q How old are you? A Twenty seven.
 Q How much Choctaw blood do you claim? A I dont know.
 Q What is your post office address? A Dallas.
 Q Dallas Texas is it? A Yes sir.
 Q How long have you lived in Texas? A Since '85.
 Q Where were you born? A Kentucky.
 Q Did you ever live anywhere else except Kentucky and Texas?
 A No sir.
 Q Is your father living? A No sir.
 Q What is his name? A Jacob Gaddis.
 Q How old would your father be if living now do you think?
 A He would be about seventy I guess.
 Q Is your mother living? A No sir.
 Q What is her name? A Tennessee Ellen Gaddis.
 Q How old would she be if she were living? A A bout fifty.
 Q Through which one of your parents do you claim your Choctaw blood? A My father.
 Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No sir.
 Q Were your father and mother legally married? A Yes sir I suppose so.
 Q Have you any evidence of their marriage? A Not here I haven't.

It will be necessary for you to file with the Commission evidence of the marriage of your father and mother which you can do by filing the original marriage license and certificate or a certified copy of the same; if you are unable to furnish the original or a certified copy on account of destruction of the records containing the record of their marriage the affidavits of two disinterested persons who were witnesses to their marriage will be considered.

- Q Are you married? A Yes sir.
 Q Is your husband living? A Yes sir.
 Q What is his name? A Robert Landen Thompson.
 Q Is he a white man? A Yes sir.
 Q Makes no claim to Choctaw Indian blood? A No sir.
 Q Have you any children you want to make application for?
 A One.
 Q What's the name of the child please? A Lillian Ruth Thompson.
 Q How old is Lillian? A Seven years old.

Maggie Lee Thompson--2.

- Q This application is for yourself and minor child is it?
A Yes sir
Q Is your name or the name of your child to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you or any one for you or for your minor child in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
Q Have you ever made application prior to this time for either yourself or your minor child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time claiming a share in the lands of the Choctaw Nation Indian Territory for yourself and minor child under the provisions of article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27th 1830? A Yes sir

This treaty was entered into on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made many of the Choctaws objected to coming to this new nation but preferred to remain in the old nation in Mississippi and Alabama and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states or five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity

That is article fourteen of the treaty of 1830 and that article required that if a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should within six months from the 24th day of February 1831, the is the date the treaty was ratified by Congress go before the government agent in the old Choctaw Nation and let him know that he wanted to remain there become a citizen of the states and take land under the provisions of this article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over the age of ten years and unmarried he was entitled to one half that quantity and for each child under ten years of age one quarter section or one hundred and sixty acres the reservations of the children to adjoin the location of the parent and these reservations to include any improvement owned by the head of the family at the time the treaty was made. The article also required that after a Choctaw had complied with this article by accepting land from the government he should reside upon the same for five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

That means that a Choctaw who remained in the old Choctaw Nation and complied with article fourteen by signifying his intention to remain and take this land, didn't forfeit his right to citizenship in the Choctaw Nation Indian Territory but did forfeit any right to participate in the payments of annuity money; annuity money was money paid to the Choctaw tribe of Indians annually by the United States government under treaty provisions; that is article fourteen and an explanation of it.

- Q Is that the article on which you base your claim and do you think you understand it well enough to make a claim under it?
- A (No answer)
- Q You are claiming as a Mississippi Choctaw are you? A Yes sir
- Q You are claiming under the fourteenth article of the treaty of 1830 are you not? A Yes sir.
- Q Now I have read article fourteen and I have explained it to you what was required of those Choctaws who remained in the old Choctaw Nation and complied with article fourteen; in order for you to be identified as a Mississippi Choctaw by this Commission the Commission will require that you reasonably demonstrate that you are a descendant of a Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama seventy two years ago in 1830 and that this ancestor complied or attempted to comply with the provisions of this article - that they went before the government agent and signified their intention of staying there and that they attempted to comply with the provisions of this article; if they were disposed of this land compliance could have been made by their appearing before commissions appointed

Maggie Lee Thompson--4.

under acts of Congress one in 1837 and another in 1842 to adjudicate the claims of persons who attempted to comply with article fourteen and were deprived of their land; that is required of an applicant for identification as a Mississippi Choctaw. Do you understand now from the article and the explanation what is required of an applicant for identification as a Mississippi Choctaw and what you have to prove? A Yes sir I understand that.

Q That you will have to prove you are a descendant of a Choctaw Choctaw Indian who complied or attempted to comply with the fourteenth article of the treaty of Dancing Rabbit Creek?

A Yes sir.

Q And you understand that compliance means that they did receive land from the government or tried to get land from the government; you understand that part of it do you?

A Yes sir.

Q What is the name of your ancestor who lived in the state of Mississippi or Alabama in the old Choctaw Nation on September 27, 1830 the time the treaty was made? A My great grandfather.

Q What was his name? A Charles Madewell.

Q How much Choctaw blood did he have? A Three quarters Indian.

Q You claim your Choctaw blood from your father Jacob Gaddis?

A Yes sir.

Q Who did he get his Choctaw blood from? A His mother.

Q What is her name? A Mary Madewell.

Q Who did she marry? A John Gaddis.

Q How much Choctaw blood did Mary Madewell claim to have?

A I don't know.

Q Was her mother a white woman? A I don't know.

Q All you know is that she is the daughter of Charles Madewell?

A Yes sir.

Q And that Charles Madewell is three quarters Indian? A Yes sir.

Q Did your father have any brothers or sisters older than he?

A No sir.

Q Was he the eldest of the family? A Yes sir.

Q Do you know what year your grandfather and grandmother were married? A No sir.

Q Do you know whether they were married and head of a family in 1830 or not? A No sir.

Q Your great grandfather Charles Madewell was married and head of a family in 1830 wasn't he? A I suppose so.

Q What year was your father born? A In '33.

Q Now do you know whether Charles Madewell or your grandfather who married John Gaddis complied or attempted to comply with this article fourteen of the treaty of 1830? A No sir.

Q Do you know whether either of them within six months from the 24th day of February 1831 went before the government agent in the old Choctaw Nation and signified their intention of staying and taking land under article fourteen? A No sir.

Q Do you know whether either of them ever received any land from the United States government as Indians or not? A No sir.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Do you know when and where your grandfather and grandmother were married? A No sir.

Q Do you know what state? A No sir.

Q Where was your father born? A Tennessee.

Q In '33? A Yes sir.

Q Do you know what part of Tennessee he was born - in what county or what town? A No I don't know.

Maggie Lee Thompson--5.

- Q Did Charles Madewell or Mary Madewell or Gaddis own any improvements upon what constituted the old Choctaw Nation in Mississippi or Alabama on the 27th of September 1830 at the time this treaty was concluded? A I dont know.
- Q Did either of them ever receive or claim any land from the United States government as Choctaw Indians? A I dont know.

In accordance with the provisions of article fourteen the government directed its agent whose name was Colonel William Ward who at that time was in the old Choctaw nation in Mississippi and Alabama to register the names of those Choctaws who wanted to remain in the old nation and take land and become citizens of the states; the records of the government show that Colonel Ward failed to register the names of a great many Choctaws who went before him and signified their intention of staying and taking land and on this account land on which Choctaws owned improvements and which they wanted reserved for them under article fourteen was sold by the government at its public land sales; this caused a great many complaints among the Indians and these complaints finally reached Congress and Congress under an act passed in 1837 and another in 1842 authorized Commissions to go into the old Choctaw Nation and investigate these claims of the Choctaws and these Commissions went to Mississippi and a great many claims were investigated; some of them were allowed and some of them rejected; of the claims allowed if it was found that the land to which claims had been established by Choctaws before these Commissions had been sold they were given scrip in lieu of the land that had been sold; if Choctaws established claims to land before these Commissions and the land had not been sold they were given the land; Choctaws who received scrip from these Commissions could locate under this scrip on vacant government land in the states of Mississippi Alabama Louisiana and Arkansas.

- Q Did Charles Madewell or Mary Gaddis appear before either of these Commissions and attempt to establish claims under article fourteen? A I dont know.
- Q Do you know whether either of them ever received any scrip from the United States government in lieu of land which they claimed under article fourteen? A No sir.
- Q So far as you know was Charles Madewell or Mary Gaddis recognized members of the Choctaw tribe of Indians in 1830? A I dont know.
- Q Do you know whether either of them ever received any benefits from the United States government as Choctaw Indians or not? A No sir.
- Q Have you any evidence of any kind that you can bring before the Commission to prove that either of them ever complied or attempted to comply with article fourteen? A I dont understand that.
- Q Have you any evidence of any kind that you can bring before the Commission to show that either of your ancestors Charles Madewell or Mary Gaddis ever complied with or attempted to comply with article fourteen; do you know of anyone who could testify to that? A No sir I dont.
- Q Have you any written evidence you want to file with the Commission to day in support of your application? A No sir.
- Q Have you any witnesses you want to bring before the Commission in support of your application? A No sir.
- Q Is there any further statement you want to make in connection with your claim? A No sir.

Maggie Lee Thompson--6.

- Q Are you a sister of Georgia Miller McGarley? A Yes sir.
Q You want your case considered in connection with hers and the evidence introduced in her case to be considered as evidence in your case? A Yes sir.
Q You derive your Choctaw blood from the same source she does do you? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Do you know whether any of your ancestors spoke or understood the Choctaw language? A No sir I don't.

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The applicant has dark complexion, dark brown hair, dark brown eyes, features and appearance of a person of white parentage; testifies she has no knowledge of an act of compliance on part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Bruce C. Jones
Notary Public.

Muskogee, Indian Territory, January 28, 1903.

Maggie Lee Thompson,

Dallas, Texas.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lesinks Thompson, et al.	M.C.R. 6127
Georgia Eller McGarley, et al.	M.C.R. 6124
Harmen M. Gaddis, et al.	M.C.R. 6136
Maggie Lee Thompson, et al.	M.C.R. 6125
Goodie Vestal, et al.	M.C.R. 6128
Louise Reeves, et al.	M.C.R. 6228
Mirtie Gaddis	M.C.R. 6125
Harrison P. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Maggie Lee Thompson, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nero Gaddis, Jonnie May Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtle Gaddis, Harrison F. Madewell, Dootie Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF

Tame Dixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6125.

Muskogee, Indian Territory, April 27, 1903 .

Maggie Lee Thompson,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 16th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

(SIGNED).

Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 6 1902

Name Maggie Lee Thompson

Age 27 Blood Don't Know

Post-Office, Dallas Texas

Father: Jacob Gaddis Dead

Mother: Annemie Ellen " Dead

Claims through
Husband's father
Robert L. Thompson

Children:

Lillian Ruth Thompson

Claim for uncollected

Stenographer

Chas. M. Wood

Choctaw MCR 6126

George Young .

MCR 6126

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of George Young, for identification as a Mississippi Choctaw, M.C.R. 6126.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of George Young M.C.R. 6126.

	(Page)
Original application of George Young to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission refusing the application of George Young for identification as a Mississippi Choctaw-----	8

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 7, 1902.

----O----

In the matter of the application of George Young for identification as a Mississippi Choctaw.

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George Young being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George Young.
Q How old are you? A I guess I'm about thirty.
Q How much Choctaw blood do you claim? A A half.
Q What is your post office address. A Burnett.
Q Where is that - Texas? A Yes sir.
Q How long have you lived there? A I've lived there about ten or twelve years.
Q Where were you born? A I was born in that state.
Q In Texas? A Yes sir.
Q Did you ever live anywhere else except in Texas? A I come over in this country.
Q What country? A The Indian Territory; stayed in Oklahoma a while.
Q Have you ever lived in the Choctaw Nation Indian Territory?
A Yes sir about a year or two.
Q Where did you live in the Choctaw nation? A Near Atoka, near Red River.
Q How long did you live there? A A year or two.
Q What's the full length of time you ever lived in the Choctaw Nation Indian Territory? A Yes sir.
Q Is your mother living? A No sir.
Q What is her name? A Her name was Sealy Hammond.
Q How old was your mother when she died? A I believe she was about forty.
Q How long has she been dead? A About four years now.
Q She would be forty four years old if living now wouldn't she?
A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A His name was Young.
Q What's his full name - given name? A His name was Dinah.
Q D-i-n-a-h? A Yes sir.
Q That's a woman's name you know? A Yes sir; that was his name; that's the name he claimed to be.
Q How old was your father when he died? A I guess he was about fifty.
Q How long has he been dead? A About three years.
Q He would be fifty three years old if living now would he?
A Yes sir.
Q Which one of your parents do you get your Choctaw blood from, your father or your mother? A Mother.
Q How much Choctaw blood did she have? A She claimed to be a full blood.
Q Was your father a white man? A Yes sir.
Q There was no negro blood in either your father or mother - just white and Indian and you are white and Indian? A Yes sir.

George Young--8.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or United States authorities? A I dont know sir whether she ever was or not.
- Q Did she ever live in the Indian Territory? A I dont know.
- Q Did you ever hear her say she lived in the Indian Territory?
- A I've heard her talk right smart about it.
- Q Did you ever hear her say she lived in Indian Territory?
- A No sir.
- Q Do you know of her ever having lived in the Indian Territory?
- A No sir.
- Q Are you married? A No sir.
- Q You make this claim for yourself alone do you? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A A lawyer up here at Parsons---
- Q Did he make application for you? A He wrote.
- Q Wrote you? A To the people down at Atoka; I dont know whether he ever heard ~~for~~ anything from it or not.
- Q Did you ever hear anything from him? A Not from him.
- Q You dont know of any application ever having been made for you? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you come before the Commission at this time for the purpose of claiming a share in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A No sir.
- Q You say you do not? A No sir.
- Q What do you come here for? A I dont understand what you said.
- Q I asked you if it is your purpose in appearing before the Commission at this time to claim a share in the lands of the Choctaw Nation in Indian territory under the provisions of the fourteenth article of the treaty of 1830; you claim as a Mississippi Choctaw do you not? A Yes sir.

The authority vested in this Commission to determine the identity of Mississippi Choctaws is contained in section twenty one of the Act of Congress approved June 28, 1898 and is as follows:

"Said commission shall have authority to determine the

identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Now that is the authority under which this Commission is acting and we can only hear your application for identification as a Mississippi Choctaw under the provisions of article fourteen of that treaty which was concluded between the government and the Choctaw tribe of Indians on the 27th day of September 1830; do you make your claim under that article? A Yes sir.

Q Did you ever hear of that article? A No sir.

Q Did you ever hear of that treaty? A No sir.

This treaty was entered into between the Choctaw tribe of Indians and the United States government on the 27th day of September 1830 at a place called Dancing Rabbit Creek in Mississippi; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a good many of the Choctaws didn't want to come to this country but wanted to remain in the old nation and for the benefit of this class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall then upon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 and that article required that in case a Choctaw elected to remain in the old Choctaw nation and take land under its provisions he should within six months from the 24th day of February 1831, the day the treaty was ratified by Congress, appear before the government agent there in the old Choctaw Nation and signify to him, that is tell him or let him know in some

George Young--4.

that he wanted to remain there, become a citizen of the states and take land from the government under the provisions of this article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner was entitled for each unmarried child in his family over the age of ten years to one half section or three hundred and twenty acres and for each child in his family under the age of ten years one quarter section or one hundred and sixty acres of land the reservations of the children to adjoin the reservation of the parent and these reservations to include ~~the~~ any improvement owned by the head of the family at the time the treaty was made September 27, 1830; this article also required that after a Choctaw had received his land from the government he should reside upon them for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that those Choctaws who remained and took land and complied with the provisions of article fourteen did not forfeit their right of citizenship in the Choctaw Nation Indian Territory but if they ever removed did forfeit any right to claim any portion of the Choctaw annuity; annuity was money that was being paid to the Choctaw tribe of Indians annually under treaty provisions; that is article fourteen and an explanation of it; now you make your claim for identification as a Mississippi Choctaw under that article? A Yes sir.

- Q Do you think you understand it sufficiently well to make a claim under it? A Yes sir I think I do.
- Q What is the name of your Choctaw ancestor- your foreparents who were Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I dont know sir.
- Q Do you know the name of any of your ancestors? A No sir.
- Q Do you know the name of your mother's father or mother's mother? A I believe her name--
- Q I want you to say positively the name of your mother father or mother? A I beleive her name was Elam.
- Q Elam what? Is that a given or surname? A Yes sir; that's her given name.
- Q Elam what? A Went by Coffee.
- Q Elam Coffee? A Yes sir.
- Q Was Elam Coffee your mother's mother? A Yes sir.
- Q What relation was your mother's father; do you know his name? A I believe he was India.
- Q What was his name? A I dont know sir what his name was.
- Q You dont know whether he was a full blood Indian or not? A No sir.
- Q You dont know whether your mother's mother was a full blood Indian or not? A No sir; I never did see her.
- Q How do you know your mother was a full blood Indian? A She said she was.

George Young--5.

- Q That's all you know about it? A Yes sir.
- Q Was your mother a slave? A Yes sir.
- Q Who was she owned by? A Coffees owned her.
- Q Did you ever see your grandmother Elam Coffee? A No sir.
- Q Do you know how old she would be if living now? A No sir.
- Q Do you know anything about the ages of your grandmother and grandfather on your mother's side? A No sir.
- Q Do you know when she died? A No sir.
- Q Do you know how old she was when she died? A No sir.
- Q Do you know how old your grandfather on your mother's side was when he died? A I dont know.
- Q Do you know nothing about your ancestors then beyond your mother? A No sir.
- Q And she was a slave and she told you she was a full blood Indian? A Yes sir.
- Q Where was your mother born? A She said she was born in eastern Texas.
- Q Did she ever live in the state of Mississippi? A I dont know whether she did or not.
- Q Do you know whether any of your Choctaw ancestors were ever residents of the old Choctaw Nation Mississippi and Alabama? A No sir.
- Q Do you know whether they ever claimed or ever received any land under article fourteen from the United States government? A No sir.
- Q Do you know whether they ever owned any land or improvements upon what constituted the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q Do you know whether any of your ancestors removed from the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian territory between the years 1833 and 1838 when the main portion of the Choctaws moved out here to the Indian territory? A No sir.
- Q You claim your right to identification as a Mississippi Choctaw from your mother who was the daughter of Elam Coffee and Elam Coffees husband whose name you dont know and both of whom you beleive were full blood Choctaw Indians? A Yes sir.
- Q Have you any proof of any kind to submit to the Commission showing that you are possessed of Choctaw Indian blood? A No not now.
- Q You have no proof of any kind - no witnesses to introduce, no written papers to file? A No sir not with me.

In accordance with the provisions of article 14 of the treaty of 1830 the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all the Choctaws who wanted to stay and become citizens of the states and take land under the provisions of that article; the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of staying and taking land and on this account land on which Choctaws had improvements and which they wanted reserved for them under article fourteen of the treaty of 1830 was sold by the government at its public land sales and the Choctaws were dispossessed of their land; this caused a great many complaints on the part of the Indians and these complaints finally reached Congress and Congress under an act approved March 3, 1857 and another act approved

George Young--6.

August 23, 1842 authorized Commissions to go into the old Choctaw Nation and investigate these claims; a large number of claims were investigated, some of them allowed and others rejected; of the claims allowed after approval of the Secretary of War and the President if it was found that the land had not been sold Choctaws were given the land; if however land to which Choctaws established their rights to before these commissions had been sold the Choctaws who established these claims were given scrip in lieu of the land that had been sold and under this scrip they were entitled to locate on vacant government land in the states of Mississippi Alabama Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and establish or attempt to establish claim to land under article fourteen? A No sir; I dont know.
- Q Did any of your Choctaw ancestors ever receive any scrip from either of these commissions which would entitled them to government land in the state s of Mississippi Alabama Arkansas or Louisiana? A I dont know.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits - by benefits I mean land - from the United States government as Choctaw Indians.
- A No sir I think not.
- Q You think not; if you dont know a y of your ancestors beyond your mother how can you say you think not? A I dont know.
- Q Was your grandmother or any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians?
- A No sir I dont know.
- Q Did any of your Choctaw ancestors within six months from the 24th day of February 1831 appear before the government agent there in the old Choctaw Nation and signify their intention ~~to~~ of remaining and taking land under this article?
- A I dont know.
- Q You say you have no evidence of any kind to offer except your oral statement? A No sir.

The Commission requires of applicants who apply for identification as Mississippi Choctaws claiming in the Choctaw lands in Indian territory under article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27 1830, that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded September 27, 1830 and that they were beneficiaries under that article or that they had their claims arising under that article adjudicated by either of the two commissions appointed under the acts of Congress approved March 3, 1837 and August 23, 1842 duly authorized for the purpose of investigating the claims of Indians arising under article fourteen; you have appeared before the Commission and made application for identification as a Mississippi Choctaw without any proof other than your oral statement and you say you have no other proof to offer? A No sir.

- Q Is there any further statement you want to make in connection with the case? A I just want to find out about being a Choctaw.

George Young--7.

- Q You've got nothing but your statement to show you are a Choctaw Indian; you've got no papers of any kind to introduce; you've got no evidence of any witnesses to show you have Choctaw blood; to show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.
- A They are so far off I can't get to them.

If you have any witnesses you want to take the testimony of who are non residents of the Indian Territory and who are incapacitated from making a personal appearance before the Commission on account of old age or infirmity the Commission will receive and consider their depositions if taken in accordance with the rules and regulations of the Commission governing the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. A copy of the rules and regulations of the Commission will be mailed you at your present post office address. The Commission will grant you thirty days to submit additional evidence in support of your claim; if at the end of that time no evidence is offered the Commission will proceed to render its decision upon the record as made.

- Q Do you speak or understand the Choctaw language? A A little bit; not much.
- Q What can you say in Choctaw? A (No answer)
- Q Where did you obtain your knowledge of the Choctaw language? A I don't know.
- Q You don't know that you can speak it do you? A No sir.

---0---

The applicant has the features and appearance of a person who may be possessed of a slight strain of Indian blood but having testified that his mother was a slave the examiner is of the opinion from his appearance that he is possessed of a mixture of white and negro with a possible slight strain of Indian blood. He testifies that he has no knowledge of any act of compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15 day of August 1902.

Prince C Jones
Notary Public.

Cow,
COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of George Young for
identification as a Mississippi Choctaw, M.C.R. 6126.

-----D E C I S I O N -----

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by George Young for himself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of Elm Coffee, who is alleged to have been possessed of Choctaw

blood, degree thereof not positively stated.

The applicant also claims that the husband of the said Elam Coffee is one of his ancestors and a full blood Choctaw, but as the name of this ancestor is not stated it is impossible for this Commission to determine whether or not he was a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, that the said Elam Coffee, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180-) and August 23, 1842 (5 Stats. 515).

-3-

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Young as a Cheetaw Indian entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED,

Jame Bixby.

Acting Chairman

SIGNED, T. B. Needles.

Commissioner

SIGNED,

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 4 1903

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 6126

Muskogee, Indian Territory, August 7, 1902.

George Young,

Burnett, Texas.

Dear Sir:

As requested, there is enclosed you herewith a copy of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Enc. B.I. 25.

COPY.

M.C.R.6126.

Muskogee, Indian Territory, February 4, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAloster, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of George Young, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 20, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Young as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Kirby

Acting Chairman.

COPY.

N.O.R. 6126.

Muskogee, Indian Territory, February 4, 1903.

George Young. *Remailed to Oakley, Miss. 6/3/03*
Burnet, Texas. *To Mrs. George Young*

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of George Young, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Young as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office.

G. Y., 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tatne Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 14, 1903.

George Young,

Oakley Penitentiary,

Oakley, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., advising the change of your post office address, and asking the present status of your case.

In reply to your letter, you are informed that it appears from the records of the Commission that George Young, age 30 years, post office Burnett, Texas, son of Dinah Young and Sealy Hammond, made application to this Commission for identification as a Mississippi Choctaw; and that on February 4, 1903, the Commission rendered its decision refusing the application. On the same date he was notified by registered mail of the action of the Commission, and that he would be allowed fifteen days from the date of said decision within which to file arguments in support of his claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case will expire on February 19, 1903. On February 20, 1903, the record in

C Y 2

the case, together with such arguments as may be submitted, will be transmitted to the Secretary of the Interior.

A record has been made of the change of your post office address.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of George Young, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Yarns Bixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.O.R. #126

Muskogee, Indian Territory, April 2, 1903.

George Young,

Oakley Penitentiary,

Oakley, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state that you are now an inmate of the Oakley, Mississippi, Penitentiary and that you have "proved up my claim already, the money that comes from the government, the sum of three hundred dollars."

In reply to your letter, you are informed that on February 4, 1903, the Commission rendered its decision refusing your application for identification as a Mississippi Choctaw; and on the same date you were notified of the action of the Commission, and that you were granted fifteen days from the date of said decision in which to furnish arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted you expired on February 19, 1903. On February 20, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

6 Y 2

You will be duly notified of such action as may be
taken by him.

Respectfully,

Commissioner in Charge.

M C R 6126

Muskogee, Indian Territory, April 17, 1903.

George Young,

Oakley, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, relative to the decision of the Commission refusing the application made by you for identification as a Mississippi Choctaw.

In reply you are informed that the Commission cannot give you any further information than that contained in its letter addressed you on the 2nd instant.

Respectfully,

Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

Land
12776-1903.

May 5, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of George Young for identification as a Mississippi Choctaw, claiming rights as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim to identification on his descent from Elam Coffee, his grandmother, who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830, through his mother Sealy Young or Hammond.

The Commission rejected the applicant Feb. 4, 1903, for the reason that the name of the ancestor under whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the

treaty of 1830, and for the additional reason that the Applicant has never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Nlan Coffee and her daughter Sealy Young or Hammond and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts of the case, it is the opinion of this office that the decision of the Commission refusing to identify George Young is correct and it is accordingly recommended that their decision be approved.

Very respectfully,

A. C. Fanner,
Acting Commissioner.

C. T. C.

(COPY)

DEPARTMENT OF THE INTERIOR.

D.C. 14068
ITD. 4260-1903.

WASHINGTON. May 9, 1903.

WCF
EAF.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.
Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application of George Young for identification as a Mississippi Choctaw, including your decision of February 4, 1903, refusing the application.

The applicant claims rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of Elam Coffee, his maternal grandmother, who, it is alleged, was a Choctaw Indian. There is no evidence to show that the said Elam Coffee was ever a resident of the Choctaw Nation in Mississippi or Alabama.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Elam Coffee complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting May 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his report is inclosed herewith.

The Department has carefully reviewed the entire record, and, there appearing no reason to modify your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan.
Acting Secretary.

1 inclosure.

H.C.N. 6123

COPY.

Muskogee, Indian Territory, May 31, 1903.

George Young,
Oakley Penitentiary,
Oakley, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

N.C.R. 6126

COPY.

Muskogee, Indian Territory, May 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of George Young for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M C R 6126

Muskogee, Indian Territory, July 7, 1903.

George Young,
c/o W. G. Chatham,
Oakley, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 17, 1903, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You ask for ~~action~~ in which to offer further evidence in support of your claim.

In reply you are informed that on May 9, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly notified on May 21, 1903. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 3, 1903.

Mrs. George Young,
Oakley, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo, relative to the decision of the Commission refusing the application made by your husband, George Young, for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on August 7, 1902, George Young, thirty years of age, post office address, Burnett, Texas, made application to this Commission for identification as a Mississippi Choctaw. On February 4, 1903, the Commission rendered its decision refusing said application, and on the same date he was notified by registered mail of the action of the Commission and that he would be allowed fifteen days from the date of said decision within which to file arguments in support of his claim to be forwarded to the Secretary of the Interior.

The fifteen days from February 4, 1903, heretofore granted in this case, expired on February 19, 1903. On February 20, 1903, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. On May 9, 1903, the Secretary of the Interior approved the decision

Mrs G Y 2

of the Commission refusing said application, of which departmental action George Young was duly notified on May 21, 1903. The Commission now considers this case closed.

The letter of the Commission of February 4, 1903, notifying your husband of the refusal of his application was addressed to him at his last known post office address, Burnett, Texas, and was returned to this office marked "undelivered." The same has this day been remailed to you at Oakley, Mississippi.

Respectfully,

Commissioner in Charge.

M C R 6126

Muskogee, Indian Territory, October 19, 1906.

George Young,
Oakley, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, 1906, addressed to the President of the United States and referred to this office by the Secretary of the Interior for consideration and appropriate action. Therein you request that immediate consideration be given your application for identification as a Mississippi Choctaw.

In reply you are advised it does not appear that any action can now be taken in your case, as the Commission to the Five Civilized Tribes and the Secretary of the Interior have decided that you are not entitled to identification as a Mississippi Choctaw.

Respectfully,

Commissioner.

MUR-61264

Muskogee, Indian Territory, January 24, 1907.

George Young,

C/o J. M. Cummings,

Oakley, Mississippi.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 14th instant, requesting to be advised the status of your application for identification as a Mississippi Choctaw.

As advised by this office on October 19, 1906, your case has been rejected by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and it is not believed that you are in any manner entitled to share in the allotment of lands in the Choctaw-Chickasaw country, Indian Territory. Your case is considered closed.

Respectfully,

Commissioner.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, IND. TER., November 4, 1901.

The following rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws have, on this date, been adopted by the Commission, and are promulgated for the information and guidance of all concerned.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAMS BIXBY,
Acting Chairman.

RULES AND REGULATIONS
GOVERNING THE PROCEDURE IN THE TAKING AND SUBMISSION
OF DEPOSITIONS
IN
SUPPORT OF APPLICATIONS FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAWS.

- Rule 1.** Testimony may be taken by deposition in the following cases :
- (a) Where the witness is unable, from age, infirmity or sickness, to personally appear before the Commission to the Five Civilized Tribes.

- (b) Where the witness is a non-resident of the Indian Territory, or of the state of Mississippi.
- (c) Where from any sufficient cause it is apprehended that the witness may be unable to be present in person, in which case the deposition will be used only in the event that the personal attendance of the witness cannot be obtained.

Rule 2. The party desiring to take a deposition under Rule 1, must comply with the following regulations:

- (a) He must have made a personal application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw.
- (b) He must file with said Commission his affidavit setting forth one or more of the above named causes for taking such deposition; that the testimony of the witness is material to his claim, and specify the evidence sought to be adduced in the taking of such deposition.
- (c) He must file with said Commission the interrogatories to be propounded to the witness.
- (d) He must state the full name and residence of the witness.
- (e) He must serve a copy of the interrogatories on the opposing party, or on his attorney of record.

Rule 3. The opposing party will be allowed fifteen days, after the filing of the interrogatories, in which to file cross-interrogatories.

Rule 4. If cross-interrogatories are not filed by the opposing party within the fifteen days allowed by Rule 3, the Commission to the Five Civilized Tribes will file cross-interrogatories in the cause, and the said Commission may, in any event, file such additional interrogatories or cross-interrogatories as may seem proper.

Rule 5. After the expiration of the fifteen days allowed for filing cross-interrogatories, a commission to take the deposition shall be issued by the Commission to the Five Civilized

Tribes, which commission shall be accompanied by a copy of all the interrogatories filed.

Rule 6. The Commission to the Five Civilized Tribes, may designate any officer, authorized to administer oaths within the county or district wherein the witness resides, to take such deposition.

Rule 7. It is the duty of the officer before whom the deposition is taken, to cause the interrogatories appended to the commission to be written out and the answers thereto, to be inserted immediately underneath the respective questions, and the whole, when completed, is to be read over to the witness, and must be by him subscribed and sworn to in the usual manner, before the witness is discharged.

Rule 8. The officer must attach his certificate to the deposition, stating that the same was subscribed and sworn to by the deponent at the time and place therein mentioned.

Rule 9. The deposition and certificate, together with the commission and interrogatories must then be sealed up, the title of the cause indorsed on the envelope, and the whole returned by registered mail or express to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory.

Rule 10. Upon receipt of the deposition at the office of the Commission to the Five Civilized Tribes, the date when the same is opened must be indorsed on the envelope and body of the deposition by said Commission.

Rule 11. If the officer designated to take the deposition has no official seal, a proper certificate of his official character, under seal, must accompany his return.

Rule 12. Service on the Choctaw and Chickasaw Nations shall be had by serving the attorneys for said nations.

Rule 13. Proof of personal service shall be made, where service is required, by the written acknowledgment of the party served, or by the affidavit of the party making such service.

" No. 6126

For Identification as a Mississippi Choctaw.

Date AUG 7 1902

Name George Young

Age 30 Blood 1/2

Post-Office, Burnett Texas

Father: Winah Young Dead

Mother: Tealy Hammond Dead

Claims through Mother

Claims for self only

Children:

Stenograph

L. M. Wood

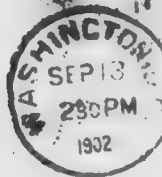
Department of the Interior.

Commission of the Five Civilized Tribes,

MIAMI, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~George Young,~~

~~Burnett,~~

Unclaimed.

~~Tex.~~

6126

MASS. R.



THE FIRST CIVILIZED RACES.
FILED
SEP 15 1902

[Handwritten signature]

MASS. R.



Choctaw MCR 6127

Lezinka Thompson

See MCR 6223

MCR 6127

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 7, 1902.

---0---

In the matter of the application of Lesinka Thompson for the identification of herself and her three minor children Flossie, Edward and Gertrude Thompson as Mississippi Choctaws.

Lesinka Thompson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A My name.
Q Yes. A Lesinka Thompson.
Q L-u-s-i-n-k-a? A L-e-s-i-n-k-a.
Q How old are you? A I was born I reckon in '69.
Q You are about thirty four years of age are you?
A Yes sir.
Q How much Choctaw blood do you claim? A Well I dont hardly know.
Q What is your post office address? A Dallas Texas.
Q How long have you lived in Texas? A I guess about sixteen years; we come from Kentucky.
Q You were born in Kentucky? A Yes sir.
Q Have you ever lived anywhere else except in the states of Kentucky and Texas? A That's all.
Q Is your father living? A No sir.
Q What was his name? A Gaddie-Jacob Gaddis.
Q How old was your father when he died? A He was born in '33.
Q He would be sixty nine years old if he were living at the present time? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Tennessee Gaddis.
Q How old would your mother be if she were living now?
A She would be fifty.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Were your father and mother legally married? A Yes sir.
Q Married under a license? A Yes sir.
Q By a minister or official? A I've heard them speak about that I beleive it was justice of Peace.
Q Do you know what year they were married? A No sir I dont.
Q Do you know where they were married? A Married at Scottsville Kentucky I think.
Q Did your father ever live in the state of Mississippi?
A Yes I've heard him say he did.
Q Do you know where he was born? A No sir I cant tell you where he was born.
Q How old was he when he lived in the state of Mississippi?
A I dont know; I cant tell you.
Q Was your father ever enrolled or recognized in any manner as a citizen of the Choctaw Nation by the Choctaw tribal authorities or the United States authorities? A I dont know.
Q Did your father ever live in the Choctaw Nation Indian Territory? A I dont know whether he ever did or not.

L Thompson--2.

- Q Where did he die? A Died here in Texas.
- Q You have no knowledge of his ever having lived in the Indian Territory and ever having made application to the Choctaw tribal authorities have you? A No sir.
- Q Do you know whether he was ever recognized as a member of the Choctaw tribe of Indians in Indian Territory?
- A No I dont.
- Q Have you any reason to believe he was? A I cant tell you about that.
- Q Are you married? A Yes sir I've been married.
- Q Is your husband living? A No sir.
- Q What was his name? A Ed Thompson
- Q Was he a white man? A Yes sir.
- Q Didn't make any claim to Choctaw blood? A No sir; I dont suppose he had Indian blood in him.
- Q Have you any children you want to make application for?
- Q Yes sir.
- Q What are the names and ages of these children? A Flossie Thompson.
- Q How old? A She was born in '92 I believe.
- Q She's ten yearsold? A Yes sir.
- Q The next one to Flossie? A Eight years old.
- Q What's his name? A Edward.
- Q The next one? A The baby - she's six months old- Gertrude.
- Q You are the mother of these three children? A Yes sir.
- Q Is Ed Thompson the father of them? A Yes sir.
- Q This application is for yourself and three children is it?
- A Yes sir.
- Q Is your name or the names of any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir I guess not.
- Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe?
- A No sir not before this time
- Q Did you or anyone for you in the year 1896 make application for yourself or minor children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities the Commission to the Five Civilized Tribes or the authorities of the United States? A No sir.
- Q De you come before the Commission at this time for the purpose of claiming a share of the lands of the Choctaw Nation for yourself and children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.
- Q And you claim under the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians on September 27, 1830 at a place called Pandling Rabbit Creek in Mississippi;

at the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river which the present Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws didn't want to come to this new country but preferred to remain in the old nation and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctawhead of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become a citizen of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the fourteenth article of the treaty of 1830 and that article required that in case a Choctaw wanted to remain in the old nation and not move west with the other Indians he should within six months from the 24th day of February 1831, that is the day the treaty was ratified by Congress, go before the government there in the old Choctaw Nation and signify to him, that is tell him or let him know in some way that he wanted to remain and take land under the provisions of that article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; for each child in his family unmarried and over the age of ten years he was entitled to one half section or three hundred and twenty acres of land and for each child in his family under ten years of age he was entitled to a quarter section or one hundred and sixty acres of land the reservations of the children to adjoin the reservations of the parent and these reservations to include any improvement owned by the head of the family at the time the treaty was made, the 27th of September 1830; that article also required that after a Choctaw received his land from the government he should reside upon the same for the term of five years after which time he would be given a title in fee simple enabling him to dispose of the land at his pleasure. The last clause of the article is as follows:

L. Thompson--4.

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Nation signified his intention to stay and take land and otherwise complied with the requirements of the article, he did not forfeit his right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to participate in the annuity; annuity is money that was being paid by the government of the United States to the Choctaw tribe of Indians annually under treaty provisions.

- Q I have read article fourteen and explained it to you; is that the article under which you make your claim?
- A Yes sir.
- Q What is the name of your Choctaw ancestors or forefathers who lived in the old Choctaw Nation in 1830 at the time this treaty was made? A I don't know that I could tell you;
- Q You claim your Choctaw blood from your father Jacob Gaddis; which parent did he get his Choctaw blood from?
- A His mother.
- Q What was her name? A Mary Madewell as for as she married.
- Q She married who? A She married John Gaddis.
- Q They were your grandfather and grandmother were they?
- A Yes sir.
- Q Who did Mary Madewell get her Choctaw blood from?
- A I don't know which one of her parents; her father I think though.
- Q What was his name? A Charles Madewell.
- Q Do you know the name of his wife - your grandmother's mother? A No sir; I don't know her name.
- Q Do you know how much Choctaw blood Charles Madewell claimed?
- A Three quarters I think.
- Q How much did your grandmother Mary Madewell who married John Gaddis claim? A I don't know how much she claimed.
- Q Do you know what year your grandfather and grandmother were married? A No sir I don't.
- Q Did you ever see them? A No sir I never saw them; I never saw my great grandparents.
- Q Did you ever see your grandparents? A I've seen my grandmother/ not my grandfather.
- Q What was her appearance? A She was dark.
- Q What was the color of her hair? A Black; she was awful dark - looked like she might be a full blood to look at her; black eyes and black hair.
- Q Do you know whether her mother was a white woman or Indian?
- A No sir I don't.
- Q Did Mary Madewell who married John Gaddis or her father Charles Madewell live in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know; we have some older people; an uncle who was to meet us here; he knows all about it more than us children do.
- Q What's that uncle's name? A John Gaddis. He's a brother to my father.
- Q Did your father have any older brothers or sisters? A No sir he was the oldest child.
- Q He was born you say in 1833? A Yes sir.
- Q Do you know whether Mary Gaddis or Charles Madewell were recognized as members of the Choctaw tribe of Indians at

L Thompson--5.

any time? A No sir I dont.

Q Do you know whether either of them ever complied or attempted to comply with article fourteen of the treaty as I have explained it to you? A No sir I dont know.

Q Do you know whether either of them owned an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama at the time the treaty was made? A No sir I dont.

Q Did either of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation between the years 1833 and 1838 - that is the time the main portion of the Choctaw s removed to the Indian Territory?

A I dont know.

Q Do you know whether either of them within six months from the 24th day of February 1831, that is the date upon which this treaty was ratified, appear before the United States Indian agent Colonel Ward and signify to him their intention of staying and taking land under article fourteen?

A No sir I dont know.

Q Do you know whether either of them ever claimed or received any land from the United States government as Choctaw Indians under article fourteen? A No sir.

In accordance with the provisions of article fourteen the government directed its agent Colonel William Ward to register the names of those Choctaws who desired to remain in the old Nation and wanted to take land under the fourteenth article and the records of the government show that he failed to register the names of a good many Choctaws who appeared before him and signified their intention of staying and taking land and on this account land on which Choctaws owned improvements and which they wanted reserved for them under this article was sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress by an act approved March 3, 1837 and an act passed and approved August 23, 1842 authorized commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims of Choctaws who claimed their land had been taken from them by the government and sold; a great many claims were investigated; some of them were allowed and some refused; of the claims allowed after they had been approved by the Secretary of War and the President if it was found that the lands which these Choctaws claimed and which they had established their rights before these Commissions had not been sold they were given the land; if however land to which Choctaws established their rights before these Commissions had been sold such Choctaws were given scrip in lieu of the land that had been sold and under this scrip those Choctaws could locate on vacant government land in the states of Mississippi Alabama Louisiana and Arkansas.

Q Do you know whether Charles Madewell or his daughter Mary Madewell who married John Gaddis appeared before either of those Commissions and established or attempted to establish claims to land under article fourteen? A No sir I dont.

Q Do you know whether they ever received any scrip from the government of the United States through these commissions for land which they established their claim to? A No sir I dont.

Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as

- Choctaw Indians? A No sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized as members of that tribe of Indians? A Not that I know of.
- Q Have you any witnesses you want to introduce to testify in support of your application? A No sir.
- Q Have you any written evidence you want to file? A No sir.
- Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaw? A I reckon so; my sisters.
- Q What are their names? A Maggie Thompson; Georgia Eiler McGarley.
- Q Is Georgia Eiler McGarley a sister of yours? A Yes sir.
- Q Is Maggie Lee Thompson a sister of yours? A Yes sir.

Reference is made to M.C.R. cases 6124 and 6125 for the purpose of consolidation.

- Q Do you desire your case to be combined and considered with that of your sisters? A Yes sir.
- Q Do you speak or understand the Choctaw language?
- A No sir.
- Q Have you any further statements you want to make in connection with your case? A No sir I guess not.

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The applicant has the features and appearance of a person of white parentage; medium fair complexion; dark brown hair; dark brown eyes; testifies she has no knowledge of any act of compliance on the part of her ancestors through whom she claims a right to be identified as a Mississippi Choctaw with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Brice C. Jones,
m. p.

Muskogee, Indian Territory, January 28, 1903.

Lezinka Thompson,

Dallas, Texas.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis,	M.C.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lezinka Thompson, et al.	M.C.R. 6127
Georgia Eller McCarley, et al.	M.C.R. 6124
Harmon M. Gaddis, et al.	M.C.R. 6136
Maggie Lee Thompson, et al.	M.C.R. 6125
Goodie Vestal, et al.	M.C.R. 6128
Louise Reeves, et al.	M.C.R. 6224
Mirtie Gaddis	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Lezinka Thompson,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nero Gaddis, Jonnie May Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Cortrude Thompson, Georgia Eller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madewell, Dootie Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James L. Gandy.
Acting Chairman.

Registered.

COPY

M.C.R.6127..

Muskogee, Indian Territory, April 27, 1903.

Lezinka Thompson,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

Stano D. Dwyer
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Lezinka Thompson* 3

Age *34* Blood *Don't Know*

Post-Office, *Dallas, Texas*

Father: *Jacob Gaddis* Dead

Mother: *Jennette Gaddis* Dead

Claims through *Father*
Husband

Ed. Thompson Dead

Children:

Florence Thompson 10

Edward " 8

Gertrude " 6m

Claims for self & 3 children

Stenographer *Clara M. Wood*

Choctaw MCR 6128

Goodie Vestal

See MCR 6223

MCR 6128

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory August 7, 1902.

4--0--

In the matter of the application of Goodie Vestal for the identification of herself, her three minor children Clarence, Ida and Charles Vestal, and her minor sister Johnnie Gaddis, as Mississippi Choctaws.

Goodie Vestal being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Goodie Vestal.
Q How old are you? A Twenty four.
Q How much Choctaw blood do you claim? A I dont know sir.
Q What is your post office address? A Dallas Texas.
Q How long have you lived in Texas? A About sixteen years.
Q Where were you born? A Born in Kentucky.
Q Moved from Kentucky to Texas? A Yessir.
Q You have never lived anywhere except in the states of Kentucky and Texas? A No sir.
Q Is your father living? A No sir.
Q What was his name? A Jacob Gaddis.
Q How old would your father be if living now? A He would be about sixty nine years old; he was born in '33.
Q Is your mother living? A No sir.
Q How old would she be if she was living now? A Fifty years old.
Q What is her name? A Tennessee Gaddis.
Q Through which one of your parents do you claim Choctaw blood?
A Father's side.
Q Where was your father born? A I dont know sir where he was born.
Q Where did he die? A Died in Texas.
Q How long had he lived in Kentucky prior to your birth? A I dont know sir.
Q Did he ever live in the state of Mississippi? A Yes sir I think so; I've heard him speak of living there.
Q Did he ever say how old he was when he lived in the state of Mississippi? A No sir I dont remember.
Q What did he say about living in Mississippi? A Well I've heard him speak of how the place looked and all, is all I remember about it.
Q Were your father and mother legally married? A Yes sir.
Q Were they married under a license by a minister or an official. A A Justice of the Peace they say.
Q They were married under a license you think? A Yes sir.
Q Have you any evidence of that marriage? A No sir; I dont remember a great deal about this because I was small.
Q Are you a sister of the applicant who has just preceeded you? A Yes sir.
Q And you are also a sister of Georgia Eller McCarley, and Maggie Lee Thompson who appeared before the Commission yesterday and made application? A Yes sir.

The Commission required evidence of the legal marriage of parents where applicants claim through their father

G Vestal--2.

and your two sisters who applied yesterday were not ified that the evidence of the marriage of Jacob Gaddis and Tennessee Gaddis should be supplied in support of your applications (and also your sister who is present and who has just made application before you,) and that the supplying of that evidence by either of your sisters who applied will be sufficient.

- Q Was your father ever recognized in any manner or enrolled as a citizen of the Choctaw Nation, by the Choctaw tribal authorities or the authorities of the United States?
- A No sir not that I know of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Charlie Vestal.
- Q Is he a white man? A Yes sir.
- Q Makes no claim to Indian blood does he? A No sir.
- Q Have you any children you want to make application for?
- A I have three.
- Q Give us the names and ages of your children please commencing with the oldest? A Clarence Vestal, seven years old.
- Q Is that a boy or girl? A Boy.
- Q The next one? A Ida Vestal, three years old.
- Q The next one? A Charles Vestal, he's nine months old.
- Q Are you the mother of these three children? A Yes sir.
- Q Charlie Vestal is their father? A yes sir.
- Q You and your husband are living together as man and wife are you? A Yes sir.
- Q Is your name or the names of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I dont know sir I guess not.
- Q Did you ever make application to be enrolled by the Choctaw tribal authorities either for yourself or your children? A No sir.
- Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and minor children under the act of Congress approved June 10, 1896?
- A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory?
- A No sir.
- Q Have you ever made application prior to this time for yourself or your minor children to be enrolled or admitted as citizens of the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities?
- A No sir.
- Q Do you appear before the Commission at this time claiming a share in the lands in the Choctaw Nation Indian Territory under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A I dont understand that.
- Q You are asking to be identified as a Mississippi Choctaw are you? A Yes sir.
- Q Why do you make that claim; do you make that claim under article fourteen of the treaty of 1830? A Yes I guess so; I dont know sir.

Q Vestal

Q Did you ever hear of article fourteen of the treaty of 1830? A No sir.

This treaty was concluded between the United States government and the Choctaw tribe of Indians on September 27 1830 at a place called Dancing Rabbit Creek in Mississippi; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a good many of the Choctaws didn't want to come to this new country but preferred to remain in the old Choctaw nation and for the benefit of the Choctaws article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830; that article required that in case a Choctaw wanted to remain in the old Choctaw Nation and take land under its provisions he should within six months from the 24th day of February 1831 go before the United States government agent in the old Choctaw Nation and signify to him or let him know in some way that he wanted to remain and wanted to take land under the provisions of this article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over the age of ten years and unmarried he was entitled to one half section or three hundred and twenty acres of land and for each child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres of land the reservations of the children to adjoin the reservation of the parent, and to include any improvement owned by the head of the family at the time the treaty was made September 27, 1830; this article also required that after a Choctaw received his land he should reside upon the same for five years after which time the government would give him a title in fee simple enabling him to dispose

of the land at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old nation and took his land under this article and complied with the provisions of the article as to residence, he did not forfeit his right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to participate in the annuity payments; annuities were moneys that were being paid to the Choctaw tribe of Indians annually by the government under treaty provisions; that is article fourteen and an explanation of it.

That is the article under which you make your claim is it?

A Yes sir.

Q Can you tell me the name of your Choctaw ancestor who lived in the old Choctaw nation in Mississippi and Alabama at the time the treaty was made; you claim your Choctaw blood from your father Jacob Gaddis; which parent did he get his Choctaw blood from? A His mother I think.

Q What was his mother's name? A Madewell.

Q Her given name? A Mary Madewell.

Q Who did she marry? A She married a Gaddis;

Q John Gaddis? A John Gaddis.

Q John Gaddis and Mary Madewell were your grandfather and grandmother on your father's side? A Yes sir.

Q Who did Mary Madewell get her Choctaw blood from?

A I can't tell you.

Q You don't know who her father or mother was? A Well she was a Madewell.

Q What was the name of her father? A I can't tell you.

Q You don't know anything about your ancestry beyond your grandfather and grandmother? A No sir I don't.

Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw Nation in Mississippi or Alabama in 1830?

A No sir I don't.

Q Were any of your Choctaw ancestors recognized as members of the Choctaw tribe of Indians? A No that I know of.

Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made? A No sir; I don't know about that.

Q Do you know whether any of your Choctaw ancestors appeared before the government agent Colonel William Ward within six months from the date the treaty was ratified, the 24th day of February 1831 and signify to him their intention of staying and taking land under article fourteen? A No sir I don't know.

Q Do you know whether any of your Choctaw ancestors removed to the Choctaw Nation Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaw Indians? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received or claimed any benefits as Choctaw Indians under article fourteen? A No sir I don't.

In accordance with the provisions of article fourteen the government directed its agent Colonel William Ward to register the names of those Choctaws who wanted to remain in Mississippi and Alabama and take land under its provisions; the records of the government show that Colonel Ward failed to register the names of a great many Choctaw Indians who appeared before him and signified their intention of staying and taking land under the provisions of this article and on this account land on which Choctaws owned improvements and which they wanted reserved for them were sold at the government's public land sales; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress by an act approved March 3, 1837 and another act approved August 23 1842 authorized commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate those claims of Choctaws who claimed their land had been taken from them by the government and sold; a number of claims were investigated some of which were allowed and others refused; of the claims allowed after approval by the Secretary of War and the President if it was found that the lands which Choctaws claimed had not been sold the Choctaws were given them; if however land which Choctaws claimed had been sold and they established their right to this land the Choctaws were given scrip in lieu of the land which had been sold and under this scrip they were entitled to locate on vacant government land in the states of Mississippi Alabama Louisiana or Arkansas.

- Q Do you know whether any of your Choctaw ancestors appeared before any of these commissions and established or attempted to establish their rights under article fourteen? A No sir.
- Q Do you know whether they ever received any scrip for land they did establish claims to under article fourteen? A No sir.
- Q Did you ever hear of any of your ancestors having received scrip from the United States government as Choctaw Indians? A No sir.
- Q So far as you know then were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A No sir.
- Q So far as you know did they ever receive any benefits as Choctaw Indians from the United States government? A No sir.
- Q Have you any witnesses you want to introduce in support of your case today? A No sir.
- Q Have you any written evidence you want to file? A No sir.
- Q Did you ever hear mentioned in your family that any of your Choctaw ancestors ever received a deed or patent to land from the United States government? A No sir.
- Q Never heard of such a thing? A No sir never paid me any attention enough to remember.
- Q Do you want your case combined with the cases of Georgia Miller McCarley and Maggie Lee Thompson? A Yes sir.

Reference is made to M.C.R. 6124 and 6125 for the purpose of consolidation.

- Q Are there any further statements you want to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

G Vestal--6.

The applicant has the features and appearance of a person of white parentage; medium fair complexion, dark brown hair dark brown eyes; testifies she has no knowledge of any act of compliance on part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

---0---

At this stage of the examination applicant states that she desires to make application for her minor sister Johnnie Gaddis, aged thirteen years.

- Q Is Johnnie Gaddis a full sister of your? A Yes sir.
Q Same father and mother? A Yes sir.
Q Derived her Choctaw blood from the same source you do?
A Yes sir.
Q Is she living with you? A No sir/ she's living with Maggie Lee Thompson.
Q The sister of yours who made application on August 6 and failed to make application for her? A Yes sir.
Q Has she ever had any guardian legally appointed by any court for her? A No sir.
Q She's been raised since the death of her father and mother by her sisters? A Yes sir; by her sisters.

The application for this child is made a part of the application of Goodie Vestal for the identification of herself and three minor children as Mississippi Choctaws.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Bruce E Jones
Notary Public.

Muskogee, Indian Territory, January 28, 1903.

Goodie Vestal,

Dallas, Texas.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6225
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lesinka Thompson, et al.	M.C.R. 6127
Georgia Eller McGarley, et al.	M.C.R. 6124
Harmon M. Gaddis, et al.	M.C.R. 6136
Haggie Lee Thompson, et al.	M.C.R. 6125
Goodie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6224
Mirtie Gaddis	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Goodie Vestal,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonso Gaddis, Roscoe Gaddis, Nero Gaddis, Jonnie May Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Elsie Thompson, Edward Thompson, Gertrude Thompson, Georgia Miller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louise Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madewell, Dote Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James G. ...
Acting Chairman.

Registered.

COMMISSIONERS
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6128.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 27, 1903.

Goodie Vestal,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date _____
 Name *Goodie Vestal*
 Age *24* Blood *Don't Know*
 Post-Office, *Dallas Texas*
 Father: *Jacob Gaddis Dead*
 Mother: *Penneru " Dead*
Claims through
Husband Father
Charlie Vestal ✓

Children:

Clarence Vestal (son) 7
Ida " 3
Charles " 9m

Sister

Johnnie Gaddis 13yrs
 Father *Jacob Gaddis Dead*
 Mother *Penneru Gaddis Dead*

Stenographer *Lara M. Wood*

6128

File

RECEIVED



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

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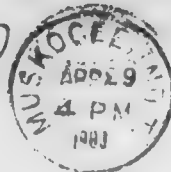
JUN 3 1903

[Handwritten signature]

CHAIRMAN



5730



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Goodie Vestal,

Dallas, Texas.



Choctaw MCR 6129

Mirtie Gaddis

See MCR 6223

MCR 6129

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, August 7, 1902.

In the matter of the application of Mirtie Gaddis for identification as a Mississippi Choctaw.

Mirtie Gaddis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mirtie Gaddis.
 Q M-y-r-t-i-e? A M-i-r-t-i-e.
 Q How old are you? A Nineteen.
 Q How much Choctaw blood do you claim? A I dont know.
 Q What is your post office address? A Dallas Texas.
 Q How long have you lived in Texas? A I lived in Texas about sixteen years.
 Q Where were you born? A Kentucky.
 Q Never lived anywhere except Kentucky and Texas?
 A No sir.
 Q Is your father living? A No sir.
 Q What was his name? A Jacob gaddis.
 Q How old would your father be if living now? A Sixty nine.
 Q Is your mother living? A No sir.
 Q What was her name? A Tennessee gaddis.
 Q How old would she be if living now? A She would be fifty years old.
 Q Through which one of your parents do you get your Choctaw blood? A Father.
 Q Do you know where your father was born? A No sir I do not.
 Q Do you know where your father and mother were married - what state? A No sir I dont know; I dont know but little about it.
 Q Do you know whether they were legally married? A Yes sir they were.
 Q Were they married under a license? A Yes sir.
 Q By an official or Justice of the Peace? A Justice of the Peace I have heard them say.
 Q Are you a sister of Lexinka Thompson? A Yes sir.
 Q Goddie Vestal? A Yes sir.
 Q Georgia Miller McCarley? A Yes sir.
 Q Maggie Lee Thompson? A Yes sir.
 Q Are you a full sister of these people? A Yes sir.
 Q Same father and same mother? A Yes sir.
 Q Are you married? A No sir.
 Q You make this claim for yourself alone do you? A Yes sir.
 Q Was your father ever enrolled or recognized in any manner by the Choctaw tribal authorities of the Choctaw Nation or by the United States authorities as a member of the Choctaw tribe of Indians? A Not that I know anything about.
 Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation? A Not that I know of.
 Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A Not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for claiming a share in the lands of the Choctaw Nation Indian Territory under the provisions of article fourteen of the treaty between the United States and the Choctaw tribe of Indians concluded September 27, 1830? A I guess I do.

This treaty was entered into between the United States government and the Choctaw tribe of Indians on the 27th day of September 1830 at a place called Dancing Rabbit Creek in Mississippi; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river; at the time the treaty was made a great many of the Choctaws didn't want to come to this new country but preferred to remain in the old Choctaw nation; for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830; that article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provisions he should within six months from

the 24th day of February 1831 the day that Congress ratified the treaty, go before the government agent there in the old Choctaw Nation and signify to him/ that is tell him, let him know in some way that he wanted to remain and take land under the provisions of article fourteen; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family unmarried and over the age of ten years he was entitled to a half section or three hundred and twenty acres and for each child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family at the time the treaty was made; the article also required that after a Choctaw had received his land from the government he should reside upon the same for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that after a Choctaw had complied with article fourteen and received his land he did not forfeit the right of citizenship in the new Choctaw Nation Indian Territory but did forfeit any right to participate in the annuity payments; the annuities were moneys being paid to the Choctaw tribe of Indians annually under treaty provisions; that is article fourteen and an explanation of it.

- Q You base your claim on that article? A Yes sir.
- Q Can you tell me the name of your Choctaw ancestor who resided in the old Choctaw Nation at the time this treaty was made and was recognized as a member of the Choctaw tribe?
- A No sir.
- Q You claim your Choctaw blood from your father Jacob Gaddis?
- A Yes sir.
- Q Which one of his parents did he get his Choctaw blood from?
- A His mother.
- Q What was her name? A Mary Madewell.
- Q Who did Mary Madewell marry? A John Gaddis.
- Q They were your grandfather and grandmother on your father's side? A Yes sir.
- Q Do you know who Mary Madewell got her Choctaw blood from?
- A Her father I think.
- Q Do you know what his name was? A No sir I dont.
- Q You dont know anything beyond your father and mother?
- A No sir.
- Q Do you know how much Choctaw blood Mary Madewell claimed?
- A No sir I dont.
- Q Do you know whether any of your Choctaw ancestors owned an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A No sir.
- Q Do you know whether any of your ancestors appeared before the government agent in the old Choctaw Nation and signified their intention of staying and taking land? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received or claimed any land as Choctaw Indians? Not that I ever heard of.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation to register and names of those Choctaws who wanted to remain and take land under the provisions of this article and the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of taking land and staying and on this account land on which Choctaws owned improvements and which they desired reserved for them under this article were sold by the government at its public land sales and the Choctaws were dispossessed of their land; this caused a great many complaints sent on the part of the Choctaws and these complaints finally reached Congress and Congress by various acts one approved March 3, 1837 and the other approved August 23, 1832, authorized Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims; these commissions investigated a large number of claims some of which they allowed and others they rejected; of the claims allowed after approval by the Secretary of War and the President if it was found that land to which Choctaws established claims had not been sold they were given the land; if however it was found that the land had been sold they were given scrip and under this scrip they were entitled to locate on vacant government land in the states of Mississippi Alabama Louisiana and Arkansas.

Q Do you know whether any of your ancestors ever appeared before either of these commissions and established or attempted to establish claims to land under article fourteen?

A I dont know.

Q Did you ever hear of them receiving scrip for land that had been sold by the United States government? A No sir.

Q So far as you know were any of your ancestors ever recognized as Choctaw Indians? A Not that I know of.

Q So far as you know did any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A No sir.

Q Have you any witnesses today you want to introduce to testify in support of your case? A No sir.

Q Have you any evidence you want to offer? A No sir.

Q Did you ever hear of any deed or patent to land tending to show that your ancestors ever complied or attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q Are there any further statements you want to make? A I have a married sister under age.

Q She will have to make application for herself. Do you speak or understand the Choctaw language? A No sir.

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The applicant has the features and appearance of a person of white parentage, dark brown hair, dark brown eyes, medium fair complexion; testifies she has no knowledge of any act of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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M Gaddis S.

Q Do you want your case consolidated with that of your two sisters who appeared before the Commission yesterday Georgia Eller McCarley and Maggie Lee Thompson A Yes sir.

Reference is made to M.C.R. 6124 and 6125 for the purpose of consolidation.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Bruce E Jones
Notary Public.

Muskogee, Indian Territory, January 28, 1903.

Mirtie Gaddis,

Dallas, Texas.

Dear Ma'am:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lesinka Thompson, et al.	M.C.R. 6127
Georgia Eller McCarley, et al.	M.C.R. 6124
Harmon M. Gaddis, et al.	M.C.R. 6136
Maggie Lee Thompson, et al.	M.C.R. 6125
Goodie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6224
Mirtie Gaddis	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Mirtie Gaddis,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nero Gaddis, Jennie Roy Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James P. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Filler McGarley, Jacob Roy McGarley, Malcolm Lee McGarley, Robert Avey McGarley, Harmon H. Gaddis, Tasha Roy Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louise Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Underwell, Dotsie Underwell and Esther Greene Underwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, one hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Thomas H. Lee
Acting Chairman.

Register d.

COPY.

M.C.R. 6129.

Muskogee, Indian Territory, April 27, 1903.

Mirtie Gaddis,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

Tamie Dixby.
Chairman.

No. 6129

For Identification as a Mississippi Choctaw.

Date

AUG 7 1902

Name Mirtie Gaddis

Age 19 Blood Not Known

Post-Office, Dallas, Texas

Father: Jacob Gaddis Dead

Mother: Annemarie " Dead

Claims through Father

Claims for self only

Children

Stenographer

Clara Mitchell

Choctaw MCR 6130

Rebecca J. Harrison

See MCR 5683

MCR 6130

COPY.

W. C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Robert H. Mitchell,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Robert H. Mitchell, et al.,	M.C.R. 5683 ✓
Sarah C. Griffith, et al.,	M.C.R. 5957 ✓
Albert M. Mitchell, et al.,	M.C.R. 5684 ✓
Jesse Mitchell, et al.,	M.C.R. 5682 ✓
Gus Mitchell,	M.C.R. 5740 ✓
Arkie Mitchell,	M.C.R. 5792 ✓
Sarah C. Harris, et al.,	M.C.R. 5681 ✓
Mary O. Pool, et al.,	M.C.R. 5685 ✓
Robert F. Inscott, et al.,	M.C.R. 5689 ✓
Nancy I. Fitzgerald, et al.,	M.C.R. 5688 ✓
John M. Mitchell, et al.,	M.C.R. 5690 ✓
William C. Mitchell, et al.,	M.C.R. 5688 ✓
Sam Mitchell, et al.,	M.C.R. 5691 ✓
Charles D. Mitchell, et al.,	M.C.R. 5686 ✓
Jennie Mitchell,	M.C.R. 5741 ✓
Elvira Parker,	M.C.R. 5685 ✓
William P. Mitchell,	M.C.R. 5790 ✓
Cora A. Mitchell,	M.C.R. 5791 ✓
Joab A. Mitchell, et al.,	M.C.R. 5692 ✓
Rebecca J. Harrison, et al.,	M.C.R. 6130 ✓
Jennie A. Harrison, et al.,	M.C.R. 6131 ✓
Sarah E. Brower, et al.,	M.C.R. 5619 ✓
John H. Mitchell, et al.,	M.C.R. 5854 ✓
Elvira G. Lamb, et al.,	M.C.R. 5855 ✓

DECISION

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Robert H. Mitchell for himself, his minor child, Mahala E.

Mitchell and his minor grand-child, Henry H. Powers; by Sarah C. Griffith for herself and her nine minor children, Walter K., Riney J., and Johnnie K. Durant, Lillie May, Surilda and Joseph Willie Pate, Martha M., Rosa L. and Stella Griffith; by Albert M. Mitchell for himself and his five minor children, Arthur P., Martha B., Pearl A., Florence D. and Alma May Mitchell; by Jesse Mitchell for himself and his two minor children, Essie and Lessie Mitchell; by Gus Mitchell for himself; by Arkie Mitchell for himself; by Sarah C. Harris for herself and her four minor children, Isaac and Jessie Florence Linscott and Mack and Lillie May Harris; by Mary O. Pool for herself and her five minor children Arthur W., Ollie W., Addie E., Cynthia J. and Sarah F. Pool; by Robert F. Linscott for himself and his minor child, Alvis C. Linscott; by Nancy I. Fitzgerald for herself and her three minor children, Martin S., Joe P. and Frank Fitzgerald; by John M. Mitchell for himself and his six minor children, Ellen H., William B., Alma J., John H., Kingsley B. and Rubie E. Mitchell; by William C. Mitchell for himself and his five minor children, Bessie, Sam, Jennie, Gracie and Quitman Mitchell; by Sam Mitchell for himself and his minor child Melvin C. Mitchell; by Charles D. Mitchell for himself and his two minor brothers Richard Y. and Pleasant Ermet Mitchell; by Jennie Mitchell for herself; by Elvira Parker for herself; by William P. Mitchell for himself; by Cera A. Mitchell for herself; by Joab A. Mitchell for himself and his five minor children, Dora, Aquilla, Nora, Ida and John Mitchell; by Rebecca J. Harrison for herself and her nine minor children, Minnie Smith, and William, Charles, Margie, Debby, Jackson, Franklin, Robt and John Harrison; by Jennie A. Harrison for herself and her five minor children, Rena, Edgar,

Allie Pinkney and James Frank Harrison; by Sarah R. Brower for herself and her five minor children, William C., Effie P., Nancy A., Samuel H. and Daisy E. Brower; by John W. Mitchell for himself and his minor child, Bessie Mitchell, and by Elvira G. Lamb for herself and her four minor children, Roy Lee, Beulah V., George R. and James J. Lamb under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The testimony herein is not clear as to the relationship existing between the applicants and is very unsatisfactory in regard to who are the Choctaw ancestors through whom they claim a right to identification as Mississippi Choctaws, though it in a manner tends to show that all of them are descendants of, and claim said rights through, Nathaniel Folsom and his wife Nancy (or Mary) Folsom, nee Henderson, who are alleged to have been possessed of some Choctaw blood, degree thereof not positively stated. Most of the applicants simply trace their Choctaw ancestry to the daughter of the above named persons and her name is variously given as Alzira, (or Alvira, or Alzora, or Elzira, or Mary or Mary A.) Mitchell (or Mitchel), nee Folsom (or Fulson), and whose Indian name is given as Wachubbee. The principal applicant in M.C.R. 5619 states that his paternal grand-parents were named Joel Mitchell and Elvira Mitchell, nee Dibber, the latter of whom he alleges, was possessed of one-quarter Choctaw blood, the blood of

the former being unknown to him. From the evidence in other applications herein it appears that the said Joel Mitchell is the son of the Alvira Mitchell, nee Folsom, whose name is variously given above, and that he was married to a Choctaw woman named Alvira (or Elvira) Dibber (or Dibblell, or Dibrell). The applicants embraced in M.C.R. 5692, 6130, 6131, 5854 and 5855 are all descendants of the said Joel Mitchell and his wife, but they only claim to derive Choctaw blood from the former.

In order that every possible right as Mississippi Choctaws which these applicants may be possessed of shall be fully adjudicated, Nathaniel Folsom, Nancy (or Mary) Folsom, nee Henderson, Alvira (or Elvira) Dibber (or Dibblell, or Dibrell) will be considered as the Choctaw ancestors through whom these applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

From an examination of the records of the Commission it appears that Walter L., Riney J. and Johnnie M. Durant, minor applicants in M.C.R. 5957, are recognized and enrolled citizens by blood of the Choctaw Nation, their names appearing opposite numbers 14855, 14856 and 14857, respectively, as Walter L., Riney J. and John M. Durant, upon a list prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 20, 1903; their rights having heretofore been fully adjudicated, no further consideration will be given to the application herein made for

their identification as Mississippi Choctaws.

The records of the Commission further show that on June 6, 1899, Sarah C. Griffith (the principal applicant in M.C.R. 5957) made application for enrollment as a citizen by intermarriage of the Choctaw Nation, and as no decision has as yet been rendered therein, the determination of her rights as a Mississippi Choctaw shall in no way be prejudicial to whatever rights she may possess as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records of the Commission that during the year 1896 an application was made to said Commission for citizenship by blood in the Choctaw Nation, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321), and, among others therein applied for, were Elvira G. Lamb (principal applicant in M.C.R. 5855), John H. Mitchell and his minor child, Bessie L. Mitchell (applicants in M.C.R. 5854) and Sarah L. (Sarah Mitchell) Brower and her four minor children, William C., Effie B., Nancy A. and Carmel H. Brower (applicants in M.C.R. 5619). A decision was rendered by this Commission denying said application and an appeal was taken therefrom to the United States Court for the Central District, Indian Territory (Choctaw Citizenship Court case No. 378), which court sustained the decision as to the above named applicants. Under the provisions of Section 32 of the act of Congress approved July 1, 1902 (32 Stat., 641), an appeal was taken from the unfavorable judgment of said United States Court to the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory; the parties above mentioned being applicants in the case of William Mitchell, et al. (Choctaw and Chickasaw Citizenship case No. 72). On March 28, 1904, said

court rendered its decision on, in the application of the applicants to the Commission for admission to citizenship by blood of the Choctaw Nation.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants other than Walter L., Wiley J. and Johnnie L. Burent (minor applicants in U.S.N. 5987) has been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decision of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 11, 1896, (29 Stat., 321).

The name Nathaniel Folsom is found on pages 70 and 77, Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, in Moshulatubbee's District, in the territory occupied by the Choctaw Indians, in the State of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the nineteenth article of said treaty. The name Nathaniel Folsom, Jr., is found on page 125 of the above record in a list of claims allowed under the treaty in Mingo Moshulatubbee's District, but it does not appear from the evidence submitted by the several applicants herein that the Nathaniel Folsom through whom they claim is identical with either of the persons whose names appear in the record above cited.

It does not appear from the testimony and evidence offered

in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nathaniel Folsom, through whom those applicants claim, or Nancy (or Mary) Folsom, nee Henderson, or Alvira (or Elvira) Libber (or Libbrell or Librell), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 1837) and August 23, 1842, (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert H. Mitchell, Mahala A. Mitchell, Henry H. Powers, Sarah A. Griffith, Millie May Tate, Aurilda Tate, Joseph Millie Tate, Martha A. Griffith, Rosa A. Griffith, Stella Griffith, Albert A. Mitchell, Arthur F. Mitchell, Martha B. Mitchell, Pearl A. Mitchell, Florence D. Mitchell, Alma May Mitchell, Jesse Mitchell, Essie Mitchell, Bossie Mitchell, Gus Mitchell, Arkie Mitchell, Sarah C. Harris, Isaac Linacott, Jessie Florence Linacott, Mack Harris, Millie May Harris, Mary C. Pool, Arthur A. Pool, Ollie V. Pool, Addie J. Pool, Cynthia J. Pool, Sarah F. Pool, Robert F. Linacott, Alvis C. Linacott, Nancy A. Fitzgerald, Martin C. Fitzgerald, Joe F. Fitzgerald, Frank Fitzgerald, John M. Mitchell, Ellen B. Mitchell, William A. Mitchell, Alma J. Mitchell, John H. Mitchell, Linsaley B. Mitchell, Rubie S. Mitchell, William C. Mitchell, Bossie

Mitchell, Sam Mitchell, Jennie Mitchell, Gracie Mitchell, William Mitchell, Sam Mitchell (2), Melvin S. Mitchell, Charles S. Mitchell, Richard Y. Mitchell, Pleasant Emmet Mitchell, Jennie Mitchell, Elvira Parker, William S. Mitchell, Cora A. Mitchell, Joab A. Mitchell, Dora Mitchell, Aquilla Mitchell, Lora Mitchell, Ida Mitchell, John Mitchell, Rebecca J. Harrison, Minnie Smith, William Harrison, Charles Harrison, Margie Harrison, Debby Harrison, Jackson Harrison, Franklin Harrison, Robt Harrison, John Harrison, Jennie A. Harrison, Rena Harrison, Edgar Harrison, Allie Harrison, Pinkney Harrison, James Frank Harrison, Sarah A. Brover, William S. Brover, Effie S. Brover, Nancy A. Brover, Samuel S. Brover, Daisy A. Brover, John H. Mitchell (2), Bessie Mitchell (2), Elvira S. Lamb, Roy Lee Lamb, Boulah S. Lamb, George H. Lamb and James G. Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that the application made on behalf of Walter S. Durant, Minoy J. Durant and Johnnie F. Durant, for their identification as Mississippi Choctaws, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tamc Dixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Brockbridge.
Commissioner.

Muskogee, Indian Territory.
JUL 14 1904

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 8, 1902.

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In the matter of the application of Rebecca J. Harrison
for the identification of herself and her nine minor children
as Mississippi Choctaws.

Rebecca J. Harrison being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Rebecca J. Harrison.
Q How old are you? A Forty one.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your post office address? A Gilmore .
Q I.T.? A Yes sir.
Q How long have you lived in the Indian Territory? A Fourteen years.
Q Where did you live before you moved to the Indian Territory
A I lived in Boone County Arkansas.
Q Where were you born? A I was born there.
Q You never lived anywhere else except in Arkansas and Indian Territory? A No sir I never lived any where else.
Q Is your father living? A No sir he 's dead.
Q What was his name? A Joel Mitchell.
Q How old a man would your father be if living now? A Well he would be up in nine ty years old. Somewhere I do nt know exactly his age.
Q Is your mother living? A No sir she's dead.
Q What was her name? A Debby Hood.
Q Was that her maiden name? A Yes sir.
Q And her married name was Mitchell? A Yes sir.
Q How old would your mother be if she was living now? A Well I dont know her age exactly.
Q How long has she been dead? A Nine years.
Q How old was she when she died? A She was about fifty three.
Q That would make her about sixty two years old wouldn't it ?
A Yes sir.
Q Through w hich one of your parents dp you claim your Choctaw blood ? A My father.
Q Was your father ever recognized in any name ror enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I dont know .
Q Were your father and mother legally married? A Yes sir I suppose so.
Q Have you any evidence of that marriage with you? A No sir I havne't now.
Q The Commission will require that you furnish proof of the marriage of your father and mother in support of your application.
A I think it has been filed in the other cases of my relatives who are applicants.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes Harrison.
Q What is his name ? A W.A.H.

Rebecca J. Harrison

- Q Is he a white man or Choctaw? A White man.
Q Makes no claim to Choctaw blood? A No sir.
Q Have you any children for whom you want to make application who are unmarried and under the age of twenty one?
A Yes sir I got children
Q Are they unmarried and under age? A Yes sir.
Q Give us their names please and ages commencing with the eldest? A Minnie Smith.
Q She's married? A No sir; I've been married twice.
Q How old is Minnie? A Nineteen.
Q The next one? A William Harrison.
Q How old is he? A Thirteen. Charles Harrison.
Q How old? A Twelve. Margie Harris.
Q How old. A Ten. Debby Harrison, nine, Jackson Harrison
Q How old? A Seven, Franklin Harrison, six, Robt Harrison four, John Harrison, one.
Q Is that all? A That's all, yes sir.
Q What's the name of your first husband? A Taylor Smith.
Q Is he dead? A Yes sir I suppose so; he went away and I never knew what become of him.
Q How long since you heard from him? A I haven't heard from him since he went away; it's been eighteen years ago last September.
Q Were you divorced from him? A No sir; I never was divorced from him.
Q Were you married under a license to W.A.J. Harrison? A Yes sir.
Q How many years did you say Taylor Smith has been absent?
A About eighteen years.
Q How long after Mr Smith's leaving you was it until that you married W.A.J. Harrison? A It was about six years I reckon; going on six.
Q What year were you married to W.A.J. Harrison? A In '87 I think.
Q What year was it that Taylor Smith disappeared? A Well I cant tell you; about eighteen years ago.
Q Is your name or the names of any of your minor children to be found upon the tribal rolls of the Choctaw Nation Indian Territory? A Was they ever?
Q Are any of their names upon the tribal rolls? A No sir none of my children.
Q Nor your name; your name's not on the Choctaw tribal rolls in the Choctaw Nation? A No sir I reckon not.
Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe?
A No sir I reckon not.
Q Did you ever make it? A No I never made it.
Q Did you or any one for you or for any of your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for admission or enrollment of yourself and your minor children as citizens of the Choctaw Nation?
A No sir.

Rebecca J. Harrison--3.

Q Do you appear before the commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians on the 27th day of September 1830? A Yes sir.

This treaty was concluded between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaw from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws objected to moving to this new country; they wanted to remain in the old Nation; and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvements of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the Choctaw treaty of 1830; that article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should within six months from the ratification of the treaty by Congress which was done on the 24th day of February 1831 appear before the government agent there in the old Choctaw Nation and signify to him - that is let him know in some way that he wanted to remain and take land under this article; after having done that he was entitled as the head of the family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over the age of ten years of age and unmarried one half section or three hundred and twenty acres and for each child in his family under ten years of age a quarter section or one hundred and sixty acres. the reservations of the children to adjoin the reservation of the parent and to include the improvements owned by the head of the

family at the time the treaty was concluded.; the article also required that he should reside upon this land for five years after which time the government would give him a title in fee simple which would enable him to dispose of his land at his pleasure; the last clause of the article is as follows:

"Persons who did so under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

That means that a Choctaw who remained in the old Choctaw Nation and took land under this article did not forfeit his right of citizenship in the Choctaw Nation but did forfeit any right to participate in the annuity payments; the annuity was money that was paid to the Choctaw tribe of Indians annually under treaty provisions. That is article fourteen as I have stated and that is the explanation of the requirements of it.

- Q Do you think you understand it and is that the article on which you base your claim? A Yes I suppose so.
- Q What is the name of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A My father lived there.
- Q Joel Mitchell your father you say lived there? A Yes sir.
- Q Was Joel Mitchell married and head of a family in 1830?
- A I can't say.
- Q You testify that your father would be ninety years of age if he was living now; that would make him ~~about~~ born about the year 1812 and at the time the treaty was made about eighteen years of age.; was he married at that time?
- A I can't say whether he was or not.
- Q Have you any older brothers or sisters than yourself?
- A Yes sir.
- Q How much older than you is your oldest brother or sister?
- A He's up in fifty - fifty six I guess.
- Q Is that the oldest member of the family? A Yes sir.
- Q About fifty six years of age? A Yes I suppose so.
- Q Which one of his parents did Joel Mitchell get his Choctaw blood from? A From his mother I suppose.
- Q What was her name? A ~~Alzira~~
- Q Alzira Mitchell? A Alzira Folsom.
- Q That was her maiden name? A Yes sir.
- Q And Alzira Mitchell was her maiden name? A Yes sir.
- Q What was the given name of the Mitchell that Alzira married?
- A Samuel is what I have been told.
- Q Then Joel Mitchell your father through whom you claim your Choctaw blood is the son of Samuel Mitchell and Alzira Folsom is he? A Yes sir.
- Q How much Choctaw blood did Alzira claim? A I don't know.
- Q Was Samuel Mitchell a white man? A I don't know.
- Q How much Choctaw blood did your father claim? A I don't know.
- Q How do you know that you are possessed of one eighth Choctaw blood? A I just claim what the other Mitchells the older ones claim.
- Q You don't know how to trace the degree of blood back do you?
- A No sir, who
- Q Was Alzira Folsom married Samuel Mitchell a recognized

member of the Choctaw tribe of Indians in 1830 when this treaty was made? A I dont know .

Q Did she comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 which I have just explained to you? A I dont know.

Q Did she own any improvements upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I dont know.

Q Did she remove with the main portion of the Choctaws when they were removed from the old Nation to the Choctaw Nation Indian Territory between the years 1833 and 1839? A I dont know.

Q Did Alzira Folsom who married Samuel Mitchell within six months from the 24th day of February 1831 that is the date this treaty was ratified by Congress go before the government agent there and signify her intention to remain in the old Choctaw Nation and take land under article fourteen? A I dont know.

Q Did Joel Mitchell your father who you testify would be about ninety years of age if living now - did he comply or attempt to comply with article fourteen of the treaty of 1830? A I dont know .

Q Did you ever hear that your father complied or attempted to comply with article fourteen of the treaty? A No sir.

Q Did he own any property or improvement in the old Choctaw Nation in 1830 when this treaty was made, A I dont know.

Q Did any body ever comply with the provisions of article fourteen of the treaty for your father Joel Mitchell? A I dont know whether they ever did or not.

Q So far as you know did any of your Choctaw ancestors either your father whom you claim your Choctaw blood through or your grandmother Alzira Folsom through whom he got his Choctaw blood receive any land from the government as Choctaw Indians? A I dont know.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of the Choctaws who wanted to remain and take land under article fourteen and the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of staying and taking land and on this account land which Choctaws owned improvements and which they desired reserved for them under this article was sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress by an act approved on March 3, 1837 and another act approved August 23, 1842 authorized Commissions to go down into the old Choctaw Nation and investigate these claims; these commissions investigated a large number of claims some of which they allowed and some they refused; of the claims allowed after they were approved by the Secretary of War and the President if it

was found that the land had not been sold the Choctaws were given the land; if however the lands to which Choctaws established their claims before these commissions had been sold they were given scrip in lieu of the land that had been sold and under this scrip they could locate on vacant government land in the states of Mississippi Alabama Louisiana or Arkansas.

- Q Do you know whether your father Joel Mitchell or your grandmother Alsira Folsom who married Samuel Mitchell appeared before either one of these commissions and attempted to establish claims to land? A I don't know.
- Q Do you know whether either of them ever received any scrip from the United States government through either of these commissions for land which they claimed had been sold?
- A No sir.
- Q Have you ever heard of the existence of any deed or patent to land which would tend to show that either your father or your grandmother received any land from the United States government as Choctaw Indians under article fourteen? A I think the older ones have got proof.
- Q Have you ever heard of any? A No sir.
- Q You have never seen nor heard of any deed or patent issued by the United States government to either your father or grandmother? A No sir.
- Q Have you any written evidence you want to offer today - any papers you want to file with your case? A No sir.
- Q Have you any witnesses you want to introduce today? A No sir.
- Q Have you any relatives who have been before the Commission and applied for identification as Mississippi Choctaws? A Yes sir.
- Q What are their names? A Sarah C. Harris and William C. Mitchell.
- Q What relation is Sarah C. Harris to you? A Own cousin.
- Q What relation is William C. Mitchell to you? A There's two William C. Mitchells I don't know.
- Q Where does the William C. Mitchell you are related to live? A My half brother lives up in the nation somewhere; I don't know where.
- Q Where does the William C. Mitchell live who is thirty six years of age? A McAlester.
- Q The William C. Mitchell who lives at Newburg is a cousin of yours is he? A Yes sir I reckon that must be him; I've got a brother by that name.

Reference is made to Mississippi Choctaw cases M.C.R. 5661 Sarah C. Harris et al.

- Q Do you speak or understand the Choctaw language? A No sir.

R J Harrison

The applicant has the appearance of a person descended from white parentage; medium fair complexion, dark brown hair, grayish brown eyes, testifies she has no knowledge of any act of compliance on part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Orma C Jones
Notary Public.

COPY. M.C.R. 6130

Muskogee, Indian Territory, July 14, 1904.

Rebecca J. Harrison,

Gilmore, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your children, Minnie Smith, William Harrison, Charles Harrison, Margie Harrison, Debby Harrison, Jackson Harrison, Franklin Harrison, Robs Harrison and John Harrison.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

M.C.R.-6130.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Rebecca J. Harrison,

Gilmore, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 8 1902

Name Rebecca J. Harrison

Age 41 Blood 1/8

Post-Office, Gilmore S. T.

Father: Joel Mitchell Dead

Mother: Abby " Dead

2^d Claims through
Husband father

W. A. J. Harrison ✓

First Husband

x Taylor Smith Don't know
Children: Father of first child living

x Minnie Smith 19

William Harrison 13

Charles Harrison 12

Margie Harrison 10

Rebby Harrison 9

Jackson Harrison 7

Franklin Harrison 6

Robb Harrison 4

John Harrison 1

Claims for self & 9 children

Stenographer Clara M. Wood

Choctaw MCR 6131

Jennie A. Harrison

See MCR 5683

MCR 6131

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, August 8, 1902.

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In the matter of the application of Jennie A. Harrison for the identification of herself and her five minor children as Mississippi Choctaws.

Jennie A. Harrison being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jennie A. Harrison.
 Q How old are you? A Thirty two.
 Q How much Choctaw blood do you claim? A One eighth is what I've been taught.
 Q What is your post office address? A Gilmore, Indian Territory.
 Q How long have you lived in the Indian Territory?
 A Thirteen years.
 Q Where were you born? A Boone County Arkansas.
 Q Have you ever been anywhere else except Indian Territory and Arkansas? A No sir.
 Q Is your father living? A No sir.
 Q What was his name? A Joel Mitchell.
 Q How old a man would your father be if living now? A I cant tell you.
 Q How long has he been dead? A Why he's been dead about thirty years.
 Q Do you know about how old a man he was when he died? A I cant positively say but on the tomb rock he was sixty nine years old when he died.
 Q And he's been dead about thirty years? A Yes sir he died when I was two years old.
 Q That would make him about ninety nine years old if he was living now? A Yes sir.
 Q Sixty-nine years of age is the inscription on the tombstone is it? A Yes as well as I can remember.
 Q Is your mother living? A No sir my mother's dead.
 Q What was her name? A Her name was Debby.
 Q Mitchell was it? A Yes sir.
 Q Through which one of your parents do you claim your Choctaw blood? A My father.
 Q Is your mother a white woman? A Yes sir.
 Q Isn't possessed of any Choctaw blood at all? A No sir.
 Q Were your father and mother legally married? A I cant positively say.
 Q Do you know where they were married - what state? A Why they was married in Arkansas is what I've been taught. I cant say positive that they was married there.
 Q Have you any evidence of the marriage of your father and mother you want to file now? A No sir.
 Q You have relatives who have appeared before the Commission have you? A Yes sir.
 Q Are you a sister of the applicant who has just appeared? A Yes sir. Own sister.
 Q Are you related to Sarah G. Harris? A Yes sir own cousin.

Jennie A Harrison--2.

- Q You have other relatives who have appeared before the Commission have you? A Yes sir.
- Q Have you any brothers or sisters who appeared before the Commission? A I have one own brither; I dont know whether the rest have applied or not - Joab A. Mitchell.

The Commission requires evidence of the legal marriage of parents of applicants where applicants claim their Choctaw blood through the father; the evidence of the marriage of Joel Mitchell and Debby Mitchell can be filed in any one case and made to apply to applicants in all cases where they claim their Choctaw blood through this man.

A Yes sir.

- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A I dont know; cant say.
- Q Are you married? A Yessir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A John B. Harrison.
- Q Were you ever married more than once? A No sir.
- Q Have you any children you want to make application for? A Yes sir I have children.
- Q Give their names and ages please? A Rena Harrison.
- Q How old is Rena? A Thirteen.
- Q The next one? A Edgar Harrison. Eleven.
- Q The next? A Allie Harrison; eight.
- Q The next? A Pinkney, six. James Frank, eight months old.
- Q Is John B. Harrison the father of all these children? A Yes sir.
- Q You are the mother of them? A Yes sir.
- Q Is your name or the name of any of these children to be found upon any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or any one for you or for your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A For my own family? A
- Q Yes.
- A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or minor child to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights to Choctaw lands in Indian Territory under the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians on the 27th day of September 1830? A I reckon so.
- Q You want to be identified as a Mississippi Choctaw.
- A Yes sir.

Jennie A. Harrison--S.

This treaty was entered into between the United States government and the Choctaw tribe of Indians on the 27th day of September 1830; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made ~~the~~ a great many of the Choctaws objected to removing to this new country but wanted to remain in that old Choctaw Nation and for the benefit of that class of Indians article fourteen was put into the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

That is article fourteen of the treaty of 1830 and that article required that in case a Choctaw wanted to remain in the old Choctaw Nation and take land under its provisions he should within six months from the date of the ratification of the treaty by Congress which was done on the 24th day of February 1831 go before the government agent there in the old Choctaw Nation and signify to him - that is tell him - let him know in some way that he wanted to remain there and take land under the provisions of this article; after having done that he was entitled as the head of a family to a section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over the age of ten years and unmarried he was entitled to one half section or three hundred and twenty acres and for each child in his family under ten years of age one quarter section or three hundred and twenty acres of land the reservations of the children to adjoin the reservations of the parent and to include any improvement owned by the head of the family at the time the treaty was made; this article also required that a Choctaw after having received his land should reside upon it for the term of five years after which time the government would give him a title in fee simple. The last clause of the article is as follows:

Jennie H. Harrison-4.

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity

That means that Choctaws who remained in the old Choctaw Nation and complied with this article and took their land didn't forfeit the right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to claim any portion of the annuity payment; the annuities were moneys paid to the Choctaw Indians annually under treaty provisions.

Now I have read article fourteen and explained it to you; that is the article under which you make your claim? A I reckon so; I don't know.

The Commission is only authorized to hear the claims of people claiming rights to land in the Choctaw Nation under this article?

A Yes sir.

Q So you base your claim under article fourteen of the treaty of 1830 do you? A Yes sir; same as the others has.

Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation at that time at the time this treaty was made.

A Well I've been taught that my father lived there.

Q You have testified that your father died when you were two years old and your age is thirty two years; that your father's death occurred thirty years ago and that the inscription on his tombstone gives his age as sixty nine at the time of his death; that would make your father ninety nine years of age if he were living at this time; then your father would have been born about the year 1803? A Yes sir; that's what I heard my mother say; he was born in 1803.

Q Then your father must have been twenty seven years of age at the time this treaty was made in 1830; he was about twenty seven years of age at that time? A Yes sir.

Q Was your mother your father's first wife? A No sir my mother was his second wife.

Q Do you know where your father married the first time?

A No sir I can't say; I don't know.

Q Do you know where he was born? A No sir I don't know that.

Q You have heard your sister testify in your case a few moments ago did you not? A Yes sir.

Q She testified your father would be about ninety years of age if living at this time; there's a difference between your statements? A She said to the best of her knowledge.

Q You heard your mother say he was born in 1803?

A Yes sir I heard her say he was born in 1803.

Q Then your statement as to the time of his death corresponds with the statement made by your mother?

statement

A Yes sir.

Q Do you know whether your father was married and head of a family at that time or not? A No sir I don't.

Q Do you know whether he ever complied or attempted to comply with the provisions of the article fourteen or not? A No sir I don't know.

Jennie H. Harrison--5.

- Q Who did your father get his Choctaw blood from? A His mother; my grandmother.
- Q What was her name? A Her maiden name was Alzira Folsom.
- Q Who did she marry? A Samuel Mitchell. My grandfather.
- Q Do you know whether Alzira Folsom complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir I don't know.
- Q Do you know whether your father was living in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir I don't.
- Q Do you know whether Alzira Folsom was living in the old Choctaw Nation at that time? A No sir.
- Q Do you know whether your father or his mother were recognized as members of the Choctaw tribe of Indians at the time this treaty was made? A No sir I don't know.
- Q Do you know whether your father owned an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made? A No sir.
- Q Do you know whether Alzira Folsom owned any improvement there at that time? A No sir I don't.
- Q Do you know what year your father moved into Arkansas? A No sir.
- Q Do you know where he came from to Arkansas? A No sir.
- Q Do you know whether he lived in Mississippi or Alabama? A No sir I don't.
- Q Do you know whether Alzira Folsom who married Samuel Mitchell ever lived in Mississippi or Alabama or not? A No sir; I don't know.
- Q Have you any evidence of any kind that you can furnish the Commission that would show that either your father or your grandmother ever lived in the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q Do you know whether either your father or grandmother went before the government agent there in Mississippi within six months after the 27th day of February 1831 and told him they wanted to stay there taken land under the fourteenth article of the treaty of 1830? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed its agent Colonel William Ward to register the names of such Choctaws as wanted to remain in the old Choctaw Nation Mississippi and Alabama and take land under the provisions of this article; the records of the government show that he failed to register the names of a great many Choctaws who went before him and told him they wanted to stay there and take land and on this account land upon which Choctaws owned improvements was sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress by an act approved March 3, 1837 and an act approved August 23, 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims of Choctaws who claimed their land had been taken from them by the government and sold; a great many claims were investigated; some were allowed and other rejected; of the claims allowed after their approval by the Secretary of War and the President if it was found that the lands had not been sold the Choctaws were given the lands; if however lands which Choctaws claimed and established their claims to before either of these commissions had been sold these Choctaws were given scrip in lieu of the land that had been sold and under this scrip they could locate on vacant government land in the states of Mississippi Alabama Arkansas or Louisiana.

Jennie H. Harrison--6.

- Q Do you know whether your father or grandmother appeared before either of these Commissions and attempted to establish to land? A I dont know.
- Q Do you know whether either of them received any scrip from the government in lieu of land that had been sold?
- A No sir.
- Q So far as you know did any of your Choctaw ancestors receive land from the United States government as Choctaw Indians under article fourteen? A No sir.
- Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indians? A I dont know.
- Q Were either your father or grandmother ever recognized as members of the Choctaw tribe of Indians; did they associate with them or live with them? A No sir I reckon not.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any evidence you want to offer today? A No sir.
- Q Have you any witnesses you want to introduce to day?
- A No sir.
- Q Do you want your case to be considered with the cases of all the other applicants claiming through Alzira Folsom and Joel Mitchell? A Yessir.

For the purpose of consolidation Mississippi Choctaw case 5582 Sarah C. Harris et al. is here referred to.

The applicant has brown hair, medium fair complexion, grayish brown eyes; features and appearance of a person of white parentage; has no knowledge of any act of compliance on part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15 day of August 1902.

Prince C. Jones
Notary Public.

Muskogee, Indian Territory, July 14, 1904.

Jennie A. Harrison,
Gilmore, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor children, Rena Harrison, Edgar Harrison, Allie Harrison, Pinkney Harrison and James Frank Harrison.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

M.C.R.-6131.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Jennie A. Harrison,

Gilmore, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

1891

1891

Name Jennie A. Harrison

Age 32 Blood 1/8

Post-Office, Gilmore I. T.

Father: Joel Mitchell Dead

Mother: Debby Mitchell Dead

Claims through
Nathan's father
John B. Harrison ✓

Children:

Rena Harrison 13

Edgar Harrison 11

Allie Harrison 8

Pinkney Harrison 6

James Frank Harrison 8
m

Stenographer

Cara M. Wood

Choctaw MCR 6132

Josephine Farris

See MCR 6133, 6135, 6134
6234, 6250, 6252, 6253, 6251
6260

Supplemental To 288

MCR 6132

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Josephine Farris,
et al., for identification as Mississippi Choctaws, consolidat-
ing the applications of:

Josephine Farris, et al.,	M.C.R. 6132
Mary Olivia Allbright, et al.,	M.C.R. 6133
George Hudson Cotner,	M.C.R. 6135
Minnie Murray, et al.,	M.C.R. 6134
Michael C. O'Brien,	M.C.R. 6234
Henry L. Powers, et al.,	M.C.R. 6250
Sallie C. Brooks, et al.,	M.C.R. 6252
Nancy M. Exum, et al.,	M.C.R. 6253
Lewis Elijah Powers,	M.C.R. 6251
Jack Dempsey Powers,	M.C.R. 6260.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Josephine Farris, et al.,

	(Page)
Original application of Josephine Farris, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of Mosella Petree.....	10
Affidavit of John Lewis.....	11
Original application of Mary Olivia Allbright, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	12
Affidavit of Mosella Petree.....	19
Affidavit of John Lewis.....	20
Original application of George Hudson Cotner before the Dawes Commission for identification as a Mississippi Choctaw.....	21
Affidavit of John Lewis.....	27

Original application of Minnie Murray, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	28
Affidavit of John Lewis.....	34
Original application of Michael C. O'Brien before the Dawes Commission for identification as a Mississippi Choctaw.....	35
Original application of Henry L. Powers, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	41
Certified copy of the marriage record between Henry L. Powers and Bettie Asberry.....	46
Original application of Sallie C. Brooks, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	47
Original application of Nancy M. Exum, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	52
Original application of Lewis Elijah Powers before the Dawes Commission for identification as a Mississippi Choctaw.....	57
Original application of Jack Dempsey Powers before the Dawes Commission for identification as a Mississippi Choctaw.....	61
Marriage certificate between Andrew C. Powers and Susie Cash.....	66
Decision of the Commission refusing the applications in the consolidated case of Josephine Farris, et al., applicants for identification as Mississippi Choctaws	67

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 9, 1902.

In the matter of the application of Josephine Farris for the identification of herself and her six minor children Emma, Margie, Thaddens, Paul, Lucille, and Homer May Farris as Mississippi Choctaws.

Applicant represented by Davis Homer, Attorney:

Josephine Farris being first duly sworn & testified as follows:

Examination by the Commission.

- Q What is your name? A Josephine Farris.
- Q How old are you? A Thirty two.
- Q How much Choctaw blood do you claim? A One eighth.
- Q What is your post office address? A Haldenville.
- Q Is it? A Yes sir.
- Q How long have you lived there? A We have never lived there but that would be our post office address.
- Q Do you live in the Indian Territory? A Yes sir.
- Q What part of the Indian Territory? A In the Choctaw.
- Q In the Choctaw Nation? A Yes sir.
- Q Is your home in the Choctaw Nation at the present time?
- A Yes sir.
- Q Where is that home? A Up about Guertie.
- Q How long have you lived in the Choctaw Nation? A We have just been here about a month or two now.
- Q You say a month or two now; have you lived there before?
- A Not in the Choctaw; we lived in the Chickasaw.
- Q How long have you lived continuously in the Choctaw and Chickasaw Nations? A Well I don't know; about two years I guess in all; we haven't lived here long any time.
- Q Where were you born? A In Texas.
- Q Did you ever live anywhere else except Texas and the Indian Territory? A No sir; I was raised in Texas.
- Q Is your father living? A No sir.
- Q What was his name? A Thaddens Nixon.
- Q How old a man would he be if living now? A Well I can't hardly tell.
- Q How long has he been dead? A He's been dead about twenty one or two years hasn't he Mary.
- A (By Mary) Yes, longer than that, about twenty three I think.
- A (By Josephine Farris) I don't know exactly.
- Q How old a man was he when he died? A I don't know; I guess about thirty or forty. I was just a little child when he died and I'm thirty two.
- Q Have you ever heard any of your family say about how old he was when he died? A I've heard Ma say but I can't recollect now.
- Q Then you have no idea how old your father would be if he was living now? A No I don't know; I expect he would have been way up in fifty though. Somewhere there.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Mollie Petree.
- Q What was your mother's maiden name? A Mollie Barron.
- Q She first married Thaddens Nixon? A Yes sir.

Josephine Farri s--2.

- Q Then she married a man named Petree? A Götner.
Q Then she married a third husband by the name of Petree?
A Yes sir.
Q Through which one of your parents do you claim Choctaw blood? A My mother.
Q Has your mother ever been before this Commission and made application for identification as a Mississippi Choctaw? A Yes sir.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How does she get her Choctaw blood from - which parent? A Her father.
Q What was his name? A Barron.
Q Give his full name please. A I know if I could think of it; I can't think of it. You called it a while ago didn't you.
Q Don't you know the name of your mother's father; I called the name of Ronchali C. Barron; what relation is he to your mother? A He's a brother.
Q Now what is the name of the father of your mother and Ronchali C. Barron; was his given name John, Tom or Henry?
A I don't know his given name; I know it but I can't think of it; they all called him Captain Barron, is all I know. Thomas- I believe it's Thomas, I won't be certain.

The records of the Commission show that Mesella Petree mother of this applicant, appeared before this Commission on February 5, 1901, and made personal application for the identification of herself and her minor children Joseph L. Götner and Ed B. Petree as Mississippi Choctaws; the records of the Commission further show that her case was consolidated and considered with the case of Ronchali C. Barron and certain other persons, applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor, Thomas Barron, and that the Commission on June 4, 1902, rendered its decision refusing the applications of the several persons included in the consolidated case of Ronchali C. Barron et al., and on June 14, 1902, notified the several applicants in said consolidated case by registered mail of such decision and of the forwarding of the record to the Secretary of the Interior for review.

- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A Yes sir by the Choctaws.
Q She has been recognized by the Choctaws? A Yes sir.
Q In what manner has she been recognized by the Choctaw tribal authorities - in what way? A Well I don't understand you.
Q Has she ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A Yes sir.
Q Who by? A She's been enrolled I know.
Q By whom? A Well I don't know.
Q How do you know she has been enrolled if you don't know who she has been enrolled by? A She's been enrolled by the Choctaws I guess.
Q By the Choctaw tribal authorities; was she ever admitted to citizenship in the Choctaw Nation by the Choctaw Council or any constituted authorities of the Choctaw Nation?

Josephine Farris--3.

- A I cant tell you.
- Q Has she ever been enrolled as a member of the Choctaw tribe of Indians by any United States authority; has she ever been made a citizen of the Choctaw tribe of Indians by any United States authority or enrolled as one?
- A She has been enrolled.
- Q Where? A She has been enrolled here I reckon.
- Q By this Commission? A Yes sir.
- Q The records of the Commission show that your mother made application for identification as a Mississippi Choctaw and I have just a few moments ago stated to you what action the Commission took; that they refused that application and forwarded the record to the Secretary for review with the consolidated case of Ronchali C. Barron. Is that the only act of enrollment you know of? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Farris.
- Q Full name please? A Will Farris, initials W.D.
- Q Is it William D. Farris? A yes sir.
- Q Does he make any claim to Choctaw blood? A No sir.
- Q He's a white man is he? A Yes sir.
- Q Have you any children you want to make application for?
- A Yes I have six.
- Q All of them unmarried? A Yes sir they are all little; small.
- Q Then you make this application for yourself and six minor children? A Yes sir.
- Q Give me the names of the children and their ages please, commencing with the oldest? A Emma is the oldest.
- Q Her age please? A Thirteen. Margie, twelve, Thaddeus eight, Paul, six, Lucille, two. Then the little baby one.
- Q What's her name? A She's got no name yet; just put it down Homer May then.
- Q Is it a boy or girl? A A girl two months old.
- Q You are the mother of these children? A Yes sir.
- Q William D Farris is their father? A Yes sir.
- Q Is your name or the names of any of your minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No I dont guess they are.
- Q Did you ever make application to the Choctaw tribal authorities for enrollment as members of that tribe for yourself and these children? A No sir, we never made none. We never went before the Commission.
- Q Did you ever go before the Choctaw tribal authorities and make application? A No sir.
- Q Did you or any one for you or for your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Is this the first application you have ever made of any kind to be enrolled - never made one to the Choctaw tribal authorities or the United States authorities before this?
- A This is the first Commission I have ever been before.
- Q Did you ever go before the Choctaw tribal authorities at any time? A No sir.

Josephine Farris--4.

- Q Did you ever go before the United States Court? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming a share in the lands of the Choctaw Nation in Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? You make application for identification as a Mississippi Choctaw do you? A Yes sir.
- Q Why do you claim to be a Mississippi Choctaw; under what law or what authority. A What law?
- Q On what do you base your claim as a Mississippi Choctaw; did you ever hear of the treaty made between the United States government and the Choctaw tribe of Indians in 1830; did you ever hear of such a treaty? A (No answer)
- Q Did you ever hear of the fourteenth article of the treaty of 1830? A I dont know whether I have or not.

The law which vests this Commission with authority to determine the identity of Mississippi Choctaws is contained in the provisions of the act of Congress of June 28, 1898 and is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

That is the law which authorizes this Commission to hear the applications of persons claiming as Mississippi Choctaws and that law specifically limits the power of the Commission to determine the identity of such Choctaws a claim under the fourteenth article of the treaty of 1830. That treaty was entered into between the United States government and the Choctaw tribe of Indians on the 27th day of September of that year at a place called Dancing rabbit creek in Mississippi; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line of that state; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws didn't want to go to this new country; they wanted to stay in the old Choctaw Nation and for the benefit of that class of Choctaws article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of

Josephine Farris--5.

six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

That is the fourteenth article of the treaty of 1830; that article required that in case a Choctaw elected to stay in the old Choctaw Nation in Mississippi and Alabama, he should within six months from the date the treaty was ratified by Congress which was done on the 24th day of February 1831 go before the government agent there in the old Choctaw Nation and let him know in some way that he wanted to stay there and take land under the provisions of this article; after having signified his intention of remaining he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family unmarried over ten years of age he was entitled to one half section or three hundred and twenty acres of land and for each child under ten years of age he was entitled to one quarter section or one hundred and sixty acres of land the reservations of the children to adjoin the reservations of the parent and to include any improvements owned by the head of the family at the time the treaty was made September 27, 1830; that article also required that in case a Choctaw received his land from the government he should reside upon them for five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity!"

That means that after a Choctaw had complied with the provisions of this article fourteen by taking his land and getting his title that he did not forfeit his right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to participate in the annuity payments; annuity payments were moneys that were being paid by the government to the Choctaw tribe of Indians annually under treaty provisions.

That is Article fourteen and an explanation of it; and that is the only law under which the Commission can hear applications for identification as Mississippi Choctaws; since the reading of the article and the explanation of it do you understand it and do you base your claim on that article; if you do not understand it say so and I will explain any portion of it you don't understand; I want to make it clear to you.

- A I understand it I guess.
- Q You think you understand it sufficient ly well to base your claim on that article? A Yes sir.
- Q What is the name of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi and Alavama in 1830 when this treaty was made? A My grandfather I guess.
- Q What was his name? A Thomas Barron.
- Q He is the father of your mother is he? A Yes sir.
- Q Is he also the father of Ronchali C. Barron your mother's brother? A Yes sir.
- Q Was he married and head of a family at that time, in 1830?
- A Well I cant tell you; I dont know.
- Q Your mother had brothers and sisters older than she did she? A Yes sir.
- Q About how old was your mother's oldest brother or sister than your mother? A I cant tell you.
- Q How old is your mother? A Ma's fifty two; she's the oldest I think; aint she the oldest? All of her half brothers were older than she, was I know.

The records in the consolidated case of Ronchali C. Barron et al., M.C.R. 258 show that Almada White, a daughter of Thomas Barron is an applicant to this Commission for identification as a Mississippi Choctaw, M.C.R. 52 and that at the time she made her application she testified that she was sixty eight years of age; the records of said consolidated case further show that Almada White was the sixth child of Thomas Barron and his first wife Elizabeth Carnall.

- Q You have heard me read the record as shown in the consolidated case of Ronchali C. Barron et al., showing the age of Almada White at the time she made her application; from this record it is apparent that Thomas Barron was married and head of a family prior to 1830; can you confirm that record in any way by stating to the best of your knowledge and the knowledge of your family that he was married and head of a family in 1830? A (No answer)
- Q Do you know the ages of any of the children of Thomas Barron and his first wife? A No sir I dont.
- Q Do you know Almada White? A Yes sir.
- Q How old is Almada White now? A I cant tell you; she's pretty old though I expect; I dont know her age though.
- Q Is she over seventy do you think? A I cant tell you; she's getting along there somewhere.

The record in the application of Almada White for identification as a Mississippi Choctaw M.C.R. number 52 shows that she was sixty eight years of age on June 14, 1900 the date of her application.

- Q Almada White is a half sister of your mother is she?
- A Yes sir.
- Q Your mother derives her Choctaw blood from the same source she does - from their father Thomas Barron? A Yes sir.
- Q Do you know the names of Thomas Barron's mother or father? That is do you know the names of your mother's grandfather and grandmother on her father's side? A No sir I dont.

Josephine Farris--7.

- Q Did Thomas Barron within six months from the 24th day of February 1831 go before the government agent in the old Choctaw Nation in Mississippi and Alabama and tell him that he wanted to stay there and take land under article fourteen? A I cant tell you.
- Q Do you know whether he ever received or claimed any land as a Choctaw Indian under article fourteen? A I dont know.
- Q Do you know whether he owned any improvements upon what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 at the time of the conclusion of this treaty? A I cant tell you that.
- Q Do you know whether he ever lived in the old Choctaw Nation in Mississippi and Alabama or not? A I dont know only what I heard my mother say.
- Q What did you hear your mother say about his residence in the old Choctaw Nation in Mississippi and Alabama? A I never heard her say anything only I heard her say he traded around in there.
- Q Was he a recognized member of the Choctaw tribe of Indians in 1830? A I cant tell you that.
- Q Did he remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation Indian Territory? A I cant tell you; I dont know anything about that.

In accordance with article fourteen the government directed an agent in the old Choctaw Nation to register the names of all the Choctaws who wanted to stay there and become citizens of the states and take land under the provisions of this article; the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking land and on this account land upon which Choctaws owned improvements and which they wanted reserved for them was sold by the government at its public land sales and the Choctaws were dispossessed of their land; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts one approved March 3, 1837 and one approved August 23, 1842 appointed Commissioners to go into the old Choctaw Nation and investigate these claims of Choctaws; these commissions investigated a large number of claims some of which they allowed and others they refused; of the claims allowed if it was found that the land of the Choctaw had not been sold and they established their claims to them before these Commissions their land was given them; if however it was found that land to which Choctaws established their claims before either of these Commissions had been sold by the government they were given scrip in lieu of the land that had been sold and under this scrip Choctaws could locate on vacant land in the states of Mississippi Alabama Louisiana or Arkansas.

- Q Did Thomas Barron or any of your other Choctaw ancestors ever appear before either of these Commissions and establish or attempt to establish claims to land under

Josephine Farris--

- article fourteen? A Not that I know of.
- Q Did Thomas Barron or any of your Choctaw ancestors ever receive any scrip from the United States government from either of these commissions for land which they had established their claims to and which had been sold by the United States government? A No I do not know anything about it.
- Q Did you ever see or did you ever hear of the existence of any deed or patent or any documentary evidence of any kind that would tend to show that any of your Choctaw ancestors ever complied or attempted to comply with article fourteen of the treaty of 1830? A I do not know.
- Q Did you ever see or hear of anything of the kind? A I cannot tell you a thing about that.
- Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians; were they ever recognized as members of the Choctaw tribe of Indians by the Choctaw Indians themselves? A I do not know.
- Q Did they ever associate with and live with the other Indians under the tribal customs and laws? A I do not know anything about it.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits of any kind from the United States government as Choctaw Indians? A Not that I know of.
- Q Have you any papers you want to file with the Commission today in support of your case?

There is offered in evidence filed and marked Exhibit's A. and B/ the affidavits of Mozella Petree and John Lewis.

- Q The Mozella Petree who makes this affidavit you have just offered for filing in support of your claim is your mother?
- A Yes sir.
- Q Do you know John Lewis who made this other affidavit; have you any personal acquaintance with him? A No sir.
- Q Do you know anything about the facts set forth in these affidavits? A No sir.
- Q Do you know whether John Lewis is a full blood Indian or not? A I cannot tell you.
- Q Do you know whether he speaks the English language or not?
- A Yes sir; one of them; I do not know which one it is.
- Q Were you present when this affidavit was made? A No sir.
- Q Who procured this for you? A My mother I reckon.
- Q Did she visit John Lewis and have him make this affidavit?
- Q Did she go to see him? And have him make this affidavit?
- A I guess she did.
- Q Who gave you this affidavit to be filed in your case?
- A My mother I guess.
- Q Does anyone know who gave you the affidavit you are offering for evidence in your case - an affidavit signed by John Lewis; how did you get it? you certainly ought to know that.
- A (No answer)
- Q Did your mother give you this affidavit to bring up here and file with your case? A (No answer)
- Q Do you know the M.A. Reed is? A No I do not.
- Q Do you know a person by the name of T.W. Mathis? A (No answer)

Josephine Farris---9.

- Q These persons names appear as witnesses to John Lewis' signature which is by mark; you say you dont know either one of them? A No I dont know them.

Note: The affidavit of John Lewis offered for filing in suppose of this case is written and sworn to and subscribed in the English language; the records of the Commission in the cases of Frances Wren et al., and Sally Berryman are referred to as to the knowledge of the English language of the affiant John Lewis.

- Q Is there any other statement you want to make at this time in connect'ion with your case? A No.
Q Have you any witnesses you want to intrduce in support of your application today? A Nothing only Mr. Homer.
Q Is he present here today? A Yes he come with us.
Q Where is he? A I guess he's out there.
Q Is he to testify in your case? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the features and appearance of a person of white parentage; brown hair; gray eyes; medium fair complexion; testifies that she has no knowledge of any act of compliance on part of any of her ancestors with any of the provisions of article fourteen of the Choctaw treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Bruce C. Jones
Notary Public.

27.

MS
Cov.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Josephine Farris,
et al., for identification as Mississippi Choctaws, consolidat-
ing the applications of:

Josephine Farris, et al.,	M.C.R. 6132
Mary Olivia Allbright, et al.,	M.C.R. 6133
George Hudson Cotner,	M.C.R. 6135
Minnie Murray, et al.,	M.C.R. 6134
Michael C. O'Brien,	M.C.R. 6234
Henry L. Powers, et al.,	M.C.R. 6250
Sallie C. Brooks, et al.,	M.C.R. 6252
Nancy M. Exum, et al.,	M.C.R. 6253
Lewis Elijah Powers,	M.C.R. 6251
Jack Dempsey Powers,	M.C.R. 6260.

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Josephine Farris for herself and her six minor children
Emma, Margie, Thaddeus, Paul, Lucille and Homer May Farris; by
Mary Olivia Allbright for herself and her four minor children
Zelah, Albert Monroe, Essie and Opel Lucille Allbright; by George
Hudson Cotner for himself; by Minnie Murray for herself and her
three minor children Loy Lee, Claudis and Charlie Thedford Murray;
by Michael C. O'Brien for himself; by Henry L. Powers for himself
and his three minor children Nellie Alberta, Lena Irene and

Lonnie Orane Powers; by Sallie C. Brooks for herself and her four minor children Vada Allene, Marvel A., Thomas L. and Gypsie S. C. Brooks; by Nancy M. Exum for herself and her minor child James P. Exum; by Lewis Elijah Powers for himself; and by Susie Powers for her minor child Jack Dempsey Powers under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Thomas (or T. H., or Thomas H., or Thomas Jefferson, or Captain) Barron, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act

of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Thomas (or T. H., or Thomas H., or Thomas Jefferson, or Captain) Barron, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Farris, Emma Farris, Margie Farris, Thaddeus Farris, Paul Farris, Lucille Farris, Homer May Farris, Mary Olivia Allbright, Zelah Allbright, Albert Monroe Allbright, Essie Allbright, Opal Lucille Allbright, George Hudson Cotner, Minnie Murray, Loy Lee Murray, Claudia Murray, Charlie Theodord Murray, Michael C. O'Brien, Henry L. Powers, Nellie Alberta Powers, Lena Irene Powers, Lonnie Orene Powers, Wallis C. Brooks, Vada Allene Brooks, Marvel A. Brooks, Thomas L. Brooks, Gypsis B. C. Brooks, Nancy M. Egan, James P. Egan, Lewis Elijah Powers, and Jack Dempsey Powers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

-4-
of eighteen hundred and thirty, and that the applications for
their identification as such should be refused, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tammie D. Doby

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. D. Smith

Commissioner.

Muskegee, Indian Territory,

JAN 27 1903

M C R 6132

Muskogee, Indian Territory, October 27, 1902.

W. D. Farris,

Franks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you desire to be advised of the present status of the case of your wife Josephine Farris who is an applicant to this Commission for the identification of herself and minor children as Mississippi Choctaws.

In reply you are informed that no decision nor opinion has yet been rendered in this case. As soon as a decision is rendered your wife will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Respectfully,

Commissioner in Charge.

-2-

4, 1902 and approved by the Secretary on November 8, 1902.

Respectfully,

Signed:

Tams Pirbu.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures. M.C.R. 6132.

COPY.

M.C.R. 6132

Muskogee, Indian Territory, January 27, 1903.

Josephine Farris,

Holdenville, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Farris, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Farris, et al.	M.C.R. 6132
Mary Olivia Albright, et al.	M.C.R. 6133
George Hudson Cotner	M.C.R. 6135
Minnie Murray, et al.	M.C.R. 6134
Michael C. O'Brien	M.C.R. 6234
Henry L. Powers, et al.	M.C.R. 6250
Sallie C. Brooks, et al.	M.C.R. 6252
Nancy M. Exum, et al.	M.C.R. 6253
Lewis Elijah Powers	M.C.R. 6251
Jack Dempsey Powers	M.C.R. 6260

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Josephine Farris,—2

said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Farris, Emma Farris, Margie Farris, Thaddous Farris, Paul Farris, Lucille Farris, Homer May Farris, Mary Olivia Albright, Zelah Albright, Albert Monroe Albright, Essie Albright, Opel Lucille Albright, George Hudson Cotner, Minnie Murray, Loy Lee Murray, Claudis Murray, Charlie Theford Murray, Michael C. O'Brien, Henry L. Powers, Nellie Alberta Powers, Lena Irene Powers, Lonnie Orene Powers, Sallie C. Brooks, Vada Allene Brooks, Marvel A. Brooks, Thomas L. Brooks, Cyprie S. C. Brooks, Nancy M. Exum, James P. Exum, Lewis Elijah Powers and Jack Dempsey Powers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James C. ...

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 27, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Farris, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Farris, et al.	M.C.R. 6132
Mary Olivia Allbright, et al.	M.C.R. 6133
George Hudson Cotner	M.C.R. 6135
Minnie Murray, et al.	M.C.R. 6134
Michael C. O'Brien	M.C.R. 6234
Henry L. Powers, et al.	M.C.R. 6250
Sallie C. Brooks, et al.	M.C.R. 6252
Nancy M. Exam, et al.	M.C.R. 6253
Lewis Elijah Powers	M.C.R. 6251
Jack Dempsey Powers	M.C.R. 6250

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Farris, Emma Farris, Margie Farris, Thaddeus Farris, Paul Farris, Lucille Farris, Homer May Farris, Mary Olivia Allbright, Zelah Allbright, Albert Monroe Allbright, Essie Allbright, Opel Lucille Allbright, George Hudson Cotner, Minnie Murray, Loy Lee Murray, Claudis Murray, Charlie Thedford

M. MEM. & C.,--2

Murray, Michael G, O'Brien, Henry L. Powers, Nellie Alberta Powers, Lena Irene Powers, Lonnie Crane Powers, Sallie G. Brooks, Vada Allene Brooks, Marvel A. Brooks, Thomas L. Brooks, Gypsy S. G. Brooks, Nancy M. Exum, James P. Exum, Lewis Elijah Powers and Jack Dempsey Powers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

/

Acting Chairman.

COPI

Muskogee, Indian Territory, February 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Josephine Farris, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 27, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Josephine Farris, et al.,	M.C.R. 6132
Mary Olivia Albright, et al.,	M.C.R. 6133
George Hudson Cotner,	M.C.R. 6135
Minnie Murray, et al.,	M.C.R. 6134
Michael C. O'Brien,	M.C.R. 6234
Henry L. Powers, et al.,	M.C.R. 6250
Sallie C. Brooks, et al.,	M.C.R. 6252
Nancy M. Krum, et al.,	M.C.R. 6253
Lewis Elijah Powers,	M.C.R. 6251
Jack Dempsey Powers,	M.C.R. 6260.

The Commission has the honor to report that the principal applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Ronchali C. Barron, et al., decision in which was rendered by the Commission on June

M C R 6132
M C R 6134

Muskogee, Indian Territory, February 14, 1903.

C. F. Murray,
Oconee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and Minnie Murray of the 8th instant, in which you state that you went before the Commission in August, 1902, and have never heard from your case. You ask if more evidence is wanted and what time will be allowed you to get such evidence.

In reply to your letter you are informed that it appears from the records of the Commission that yourself and Minnie Murray are applicants for the identification of yourselves and families as Mississippi Choctaws.

The Commission, on January 27, 1903, rendered its decision refusing your applications and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision within which to file arguments in support of your claims to be transmitted to the Secretary of the Interior.

The fifteen days from January 27, 1903, heretofore granted you within which to file arguments in support of your claim, expired February 11, 1903. On February 12, 1903, the record in these cases, together with the decision of the Commission, was for-

O P M 2

warded to the Secretary of the Interior. Pending action thereon by him no further evidence can be received or considered by the Commission.

1 You will be duly notified of such action as may be taken by the Secretary of the Interior.

Respectfully,

Acting Chairman.

Land.
11108-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on January 27, 1903.

Josephine Farris, for herself and her six children, Emma, Margie, Thaddeus, Paul, Lucille and Homer May Ferris; Mary Olivia Albright, for herself and her four minor children, Zelah, Albert Monroe, Essie and Opel Lucille Albright; George Hudson Cotner; Minnie Murray, for herself and her three minor children Loy Lee, Claudis and Charlie Thedford Murray; Michael C. O'Brien; Henry L. Powers, for himself and his three minor children Nellie Alberta, Lena Irene and Lonnie Orene Powers; Sallie C. Brooks, for herself and her four minor children Vada Alene, Marvel A., Thomas L. and Gypsie S. C. Brooks; Nancy M. Exum, for herself and her minor child James P. Exum; Lewis Elijah Powers; Susie Powers for her minor child Jack Dempsey Powers.

It appears from an examination of the evidence in this case that the applicants base their claim to identification of their descent from Thomas (or T. H., or Thomas H., or Thomas Jefferson, or Captain) Barron, who, it is alleged, was a citizen of the Choctaw Nation and a resident of Mississippi in 1830.

It is stated in the decision of the Commission rejecting these applicants that its records do not show that Thomas (or T. H. or Thomas H., or Thomas Jefferson, or Captain) Barron, or ancestors less remote, ever complied or offered to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made with the Choctaw Indians in the year 1830.

The office has caused a search to be made of its records for the name of Thomas (or T. H., or Thomas H., or Thomas Jefferson or Captain) Barron, and no such name being found to be included in the list of those persons who complied or sought to comply with the provisions of the 14th article of the Choctaw treaty of 1830, I have to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. TONNER,

Acting Commissioner.

E. B. F. H'r.

11377-1903.
I.T.D. 8104-1903.
L.R.S.

J.W.R.
F.H.M.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 17, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 12, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Josephine Farris for herself and her six minor children, Emma, Margie, Thaddeus, Paul, Lucille, and Homer May Farris; of Mary Olivia Albright for herself and her four minor children, Zelah, Albert Monroe, Essie and Opel Lucille Albright; of George Hudson Cotner for himself; of Minnie Murray for herself and her three minor children, Loy Lee, Claudis and Charlie Thedford Murray; of Michael C. O'Brien for himself; of Henry L. Powers for himself and his three minor children, Nellie Alberta, Lena Irene and Lonnie Orene Powers; of Sallie C. Brooks for herself and her four minor children, Vada Allene, Marvel A., Thomas L. and Gypsie S. C. Brooks; of Nancy M. Exum for herself and her minor child, James P. Exum; of Lewis Elijah Powers for himself; and of Susie Powers for her minor child, Jack Dempsey

Powers, including your decision of January 27, 1903, refusing to identify them as such.

These applicants, consisting of three generations, are the descendants of a half blood Choctaw named Thomas H. Barron (or Barren), whose name also appears as Thomas J. Barron, and as Captain Barron; descent is claim from him through his three daughters, viz: Mozella Petree, Almada White, and Nancy C. Powers.

It seems that the said Barron was also the common ancestor of those applicants whose claims were embraced in the consolidated case of Renchali C. Barron (M.C.R.288).

From the affidavit of John Lewis, age 88, it appears that Thomas H. Barron resided "in Big Black, Mississippi", and that he "afterwards moved to near Tombigbee, Mississippi, about ten miles from Dancing Rabbit Creek."

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 20, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Harris, et al., of which decision you were advised by mail on the 27th day of January, 1903.

Respectfully,

SIGNED

Tams Biehn
Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED AT THE FOLLOWING

M.C.R. 6132

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 30, 1903.

Josephine Farris,
Holdenville, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Farris, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,



Chairman.

Consolidated Case
of
Josephine Farris et al

6132

(sup. to 255)

supplemental
To 8 8
#2

mer
6132
Josephine Nixon 32- $\frac{1}{2}$
mar
William D. Farris
- w.

mer
6132
Emma Farris 13
Margie Farris 12
Thaddeus Farris 8
Paul Farris 6
Lucille Farris 2
Homer May Farris 2 m

mer
6133
Mary Olivia Nixon 31- $\frac{1}{2}$
mar
Alexander T. Albright

mer
6133
Zelah Albright 15
Albert Monroe Albright 13
Essie Albright 11
Opel Albright 2

1361
Thomas (H.) Barron $\frac{1}{2}$ Mozella Barron $\frac{1}{4}$ 52
mar
(1) Thaddeus (Nixon (dead)
(2) Joseph Cotner
(3) Robert Petree

mer
6135
George Hudson Cotner 35- $\frac{1}{8}$

mer
6134
Minnie Cotner 23- $\frac{1}{8}$
mar
Charlie Murray
- w.

mer
6134
Loy Lee Murray 8
Clandis Murray 6
Charlie Thedford Murray 13 m

Cora Nixon
mar
Miles
Lucinda Nixon
mar
Flowers

K 52
Almeda Barron
mar
O. K. White

44
Mozella J. St. Cyr
lives
O. A. B. O'Brien
dead

mer
6234
Michael C. O'Brien 31- $\frac{1}{8}$

miss
6250

Nellie Alberta Powers 20
Lena Irene Powers 17
Lonnie Orene Powers 17

miss
6252

Sallie C. Powers 27 -

mar

Carl S. Brooks
-w-

miss
6251

Vada Allene Brooks 4'

Marvel A. Brooks 3

Thomas L. Brooks 2

Gypsey S. C. Brooks 3m

miss
6253

Nancy M. Powers 25 -

mar

Frank Exum
-w-

miss
6253

James P. Exum 2

miss
6251

Lewis Elijah Powers 22 -

miss
6250

Henry L. Powers 50 -

mar

Bettie Ashberry
-w-

Nancy C. Barron
mar (dead)

Lewis B. Powers
dead

Thomas Jefferson

Thomas Barron (4?)
wife

Barron
(w?)

Andrew Carroll Powers
dead

mar

Susie Cash 24
w

miss
6269

Jack Dempsey Powers 8 -

For Identification as a Mississippi Choctaw.

Date

Name

Josephine Farris

Age

32

Blood

1/8

Post-Office,

Holdenville I. T.

Father:

Haddens Nixon Dead

MOZELLE

Mother:

~~Milly~~ Petree ✓

Claims through

Husband mother

William N. Farris ✓

Claims for self & 6 children

Children:

Emma Farris 13

Margie " 12

Haddens " 8

Paul " 6

Lucille " 2

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Laura M. Wood

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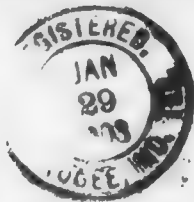
CHAIRMAN

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DEPT. OF THE INTERIOR,
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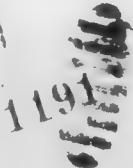
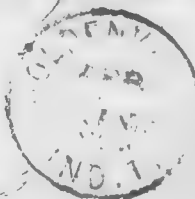
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Muskogee
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1909

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Choctaw MCR 6133

Mary O. Allbright

See MCR 6132

MCR 6133

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, August 9, 1902.

In the matter of the application of Mary Olivia Albright for the identification of herself and her five minor children, Zelah, Albert, M., Essie and Opel Lucille Albright as Mississippi Choctaws.

Mary Olivia Albright being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Olivia Albright.
Q How old are you? A I'm thirty one.
Q How much Choctaw blood do you claim? A One eighth is what I've been taught.
Q What is your post office address? A Thurber, Krath County Texas.
Q How long have you lived there? A I was born and raised in Texas.
Q Never lived anywhere else except in the state of Texas?
A No sir except six months.
Q Where did you live at that time? A In the Chickasaw Nation.
Q That's the only residence you ever had in the Indian territory? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Thaddeus C. Nixon.
Q How old a man would your father be if he was living now?
A I don't know exactly but I think he would be about sixty years old.
Q Is your mother living? A Yes sir.
Q What is her name? A Mesella Petree, now.
Q Your mother has been married more than once has she?
A Yes sir.
Q How many times? A Three times.
Q What was the name of her first husband? A Nixon.
Q That was your father was it? A Yes sir.
Q What was the name of her second husband? A Joe Gotner.
Q What is the name of her present husband? A Robert Petree. They call him Pet, I think, for short.
Q How old is your mother? A I think she's fifty four.
Q Has your mother ever been before the Commission for identification as a Mississippi Choctaw - that is to get her rights? A Not until this time that I know of.
Q She has been before the Commission has she and made application for identification as a Mississippi Choctaw?
A Yes sir.

The records of the Commission show that Mesella Petree mother of this applicant, appeared before this Commission on February 5, 1901 and made personal application for the identification of herself and her minor children Joseph L. Gotner and Ed B. Petree as Mississippi Choctaws; the records of the Commission further show that, her case was consolidated and considered with the case of Ronchali C. Warren and certain other persons, applicants to this Commission for identification as Mississippi Choctaws claiming

M O Allbright

descent from the same common ancestor, Thomas Barron, and that the Commission on June 4, 1902, rendered its decision refusing the applications of the several persons included in the consolidated case of Ronchali C. Barron et al., and on June 14, 1902 notified the several applicants in said consolidated case by registered mail of such decision and of the forwarding of the record to the Secretary of the Interior for review.

- Q You claim your Choctaw blood through your mother do you?
A Yes sir.
- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Any more than that she has made this application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A I can't tell you all his name to save my life.
- Q Give it the best you know? A I believe his initials are A.T.
- Q What does the A stand for? A Alexander. I expect you better put it Tom; it's Thomas Monroe Alexander Allbright I think.
- Q He signs his name A. T. does he? A Yes sir.
- Q Now A stands for Alexander? A Yes sir.
- Q Does he make any claim to Choctaw blood? A No sir.
- Q Have you any children you want to make application for who are unmarried and under twenty one? A I have four children.
- Q All under twenty one are they? A Yes sir.
- Q What is the name of the oldest? A Zelah Allbright.
- Q How old is she? A She will be sixteen in October.
- Q The next child? A Albert Allbright.
- Q What is his full name? A Albert Monroe.
- Q How old is Albert? A He will be fourteen the 2nd of January.
- Q The next one? A Essie Allbright; she will be twelve I think in June - the 11th of June.
- Q The next one? A Opel Lucille.
- Q O-p-a-l? A O-p-e-l.
- Q How old is Opel? A She will be three years old November the 26th.
- Q Any others? A That's all.
- Q You make application then for yourself and four minor children - is that it? A Yes sir.
- Q Is your name or the names of any of your minor children to be found upon the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities for the enrollment of yourself or any of your minor children? A You mean was I ever before the Commission?
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted to citizenship in the Choctaw Nation? A Not that I know of.
- Q Did you ever make such application? A No I don't think I did.
- Q Don't you know what you have done yourself? A Well if I thoroughly understood it I might tell you more about it.
- Q Did you yourself ever make application to the Choctaw tribal authorities to be admitted as a member of the Choctaw tribe of Indians? A Now I sent up the names once but I don't think they ever put them through.

M O Allbright 3.

- Q Were they ever acted on by the Choctaw tribal authorities?
A No.
Q You never heard whether you were rejected or not? A No I just sent them up to see something about it.
Q And never heard anything from them? A No; never heard anything from it.
Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't remember.
Q Did you ever hire any attorney or send any papers to be sent to the Commission in 1896? A No I never hired any attorney.
Q Did you yourself ever send any papers? A No sir.
Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory?
A No sir.
Q Have you ever made application prior to this time for yourself or your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?
A No sir.
Q This is the first personal application you have ever made?
A Yes sir this is the first.
Q Do you appear before the Commission at this time for the purpose of claiming a share in the Choctaw lands of the Choctaw Nation Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A I think I do.
Q You are asking to be identified as a Mississippi Choctaw are you? A Yes sir.
Q You claim that right under the fourteenth article of the treaty of 1830? A Yes sir.

The treaty commonly called the treaty of 1830 was concluded between the United States government and the Choctaw tribe of Indians on the 27th of September 1830 at a place called Dancing Rabbit Creek in Mississippi; at that time the Choctaw Indians occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary of that state; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws objected to removing to this new country and preferred to remain in the old Choctaw Nation and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded

by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830; that article required that in cases Choctaw elected to remain in the old Choctaw Nation and take land in accordance with its provisions he should within six months from the day the treaty was ratified by Congress which was done on the 24th day of February 1831, before the government agent in the old Choctaw Nation and signify to him - that is let him know in some way that he wanted to stay there, and take land under its provisions; after having done that he was entitled as the head of a family to a reservation of six hundred and forty acres of land to be bounded by sectional lines of survey; for each child in his family over ten years of age and unmarried he was entitled to one half section or three hundred and twenty acres of land and for each child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres of land the reservations of the children to adjoin the reservations of the parent and to include any improvement owned by the head of the family at the time the treaty was made September 27, 1830. This article also required that after a Choctaw had received his land he should reside upon the same for the term of five years after which time the government would give him a title in fee simple enabling him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation and complied with the provisions of this article did not forfeit his right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to participate in the annuity payments; the annuities were money that were being paid to the Choctaw tribe of Indians by the United States government under treaty provisions. I have read to you article fourteen and I have explained the requirements of that article; that is the article on which you base your claim for identification as a Mississippi Choctaw? A Yes sir.

- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A My grandfather.
- Q What is his name? A Thomas H. Barron.

M O Albright--5.

- Q Your derive your Choctaw blood from your mother whose name is now Mesella Petree; her maiden name was Mesella Barron?
- A Yes sir.
- Q She derives her Choctaw blood from Thomas Barron does she
- A Yes sir.
- Q How much Choctaw blood did your mother claim? A About a quarter.
- Q How much Choctaw blood did your grandfather Thomas H. Barron claim to be possessed of? A I can't tell you.
- Q Was your mother's mother a white woman? A I think she was.
- Q Your grandmother didn't make any claim to Choctaw blood?
- A Not that I know of?
- Q Your mother claims one quarter; your grandmother being a white woman that would make your grandfather Thomas H. Barron one half Choctaw blood wouldn't it? A Yes sir.
- Q Do you know anything about the parents of Thomas H. Barron - who he got his Choctaw blood from? A No sir.
- Q Do you know anything about your ancestry further back than Thomas H. Barron? A No sir.
- Q Was Thomas H. Barron a recognized member of the Choctaw tribe of Indians in 1830 when this treaty was made? A I can't tell you. It seems like he was.
- Q Have you any proof to show that he was a recognized member of the Choctaw tribe of Indians in 1830? A No sir.
- Q Did he live with the Indians in Mississippi and Alabama in 1830 in the old Choctaw Nation? A Well I don't know; he lived in Mississippi; I have heard my mother speak about him living there.
- Q Did you ever hear your mother say what year it was he lived there? A No sir I don't remember.
- Q Do you know whether Thomas H. Barron or any of your Choctaw ancestors ever complied or attempted to comply with article fourteen of the treaty of 1830? A No sir I don't know.
- Q Do you know whether Thomas H. Barron or his father or mother went before the government agent in the old Choctaw Nation and told him they wanted to stay there and take land under this article fourteen of the treaty of 1830? A I don't know; I have heard them speak something about it.
- Q What is your recollection about it? A It seems like I have heard them speak about him being there and staying there a while in the nation.
- Q Did they say he was a resident of the nation; considered an Indian and associated with the Choctaws at that time and conformed with their customs and laws? A I think he traded about with them and had a little business to do with them.
- Q Do you know whether he conformed to all the laws of the Choctaw tribe at that time or not? A No sir I don't.
- Q Do you know whether he was married to your grandmother under Choctaw laws and customs or United States laws and customs? A I don't know.
- Q Then you don't know whether he was a recognized member of the Choctaw tribe of Indians in 1830 or not? A No I don't know.
- Q Do you know whether he owned any improvement on land in the old Choctaw Nation in Mississippi and Alabama in 1830?
- A No sir he didn't own any; I've heard them speak about that. He didn't own any; he left home I think when he was eighteen years old.

Q Do you know whether any of your Choctaw ancestors ever claimed or received any land from the United States government as Choctaw Indians? A No I dont know of any.

Q In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of such Choctaws as wanted to stay and take land under the provisions of that article; the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him and told him they wanted to stay and take land and on this account land on which Choctaws owned improvements and which they wanted reserved for them under this article was sold by the government at its public land sales and the Choctaws were dispossessed of their land; this caused a great many complaints among the Choctaws and these complaints finally reached Congress and Congress under various acts one approved March 3, 1837 and another approved August 23, 1842 appointed Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims; these commissions investigated a large number of claims some of which they allowed and others they refused; of the claims allowed after approval by the Secretary of War and the President if it was found that the land had not been sold by the government at its public land sales the Choctaws were given the land; if, however land to which Choctaws established their claims before these commissions had been sold such Choctaws were given scrip in lieu of the land that had been sold and under this scrip those Choctaws could locate on vacant government land in the states of Mississippi Alabama Louisiana or Arkansas; do you know whether Thomas H. Barron or any of your Choctaw ancestors were remote than he appeared before either of these commissions and established or attempted to establish claims to land under article fourteen of the treaty of 1830?

A I dont know whether they did or not; I dont think they did.

Q You never heard of any of your Choctaw ancestors having any claim for land under article fourteen of the treaty of 1830 adjudicated before either of these Commissions?

A No sir.

Q Did you ever hear of the existence of any deed or patent or paper of any kind that would tend to show that Thomas H. Barron or any of your ancestors more remote than he ever received any land from the government under article fourteen? A No sir; not that I know of.

Q So far as you know then did any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A No sir.

Q Were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.

Q Have you any documentary evidence you want to introduce in your case today?

Applicant offers in support of her claim the affidavit of John Lewis and the affidavit of Monella Petree, which are marked exhibits A. and B. and made a part of the record in this case.

Q Is Monella Petree whose name is signed to this affidavit your mother? A Yes sir.

M O Albright --7.

- Q Have you any personal knowledge of the John Lewis whose name is signed to the other affidavit? A It seems like I have saw him once.
- Q Did you hold any conversation with him at the time you saw him? A No sir.
- Q Do you know whether he speaks the English language or not? A I dont think he does.

The affidavit of John Lewis submitted in support of this case is subscribed and sworn to in the English language; reference is here made to the cases of Frances Wren et al., M.C.R.394 and Sally Berryman et al., M.C. R.131 as to the knowledge of this affiant of the English language..

- Q Have you any witnesses you want to introduce in support of your application today? A No sir.
- Q Are you a full sister of Josephina Farris who has just preceded you in making application? A Yes sir.
- Q Same father and same mother? A Yes sir.
- Q Derive your Choctaw blood from the same source? A Yessir.
- Q Do you desire the evidence in our case to be considered with the evidence in her case? A Yes sir.

Reference is made to MC.R. 6132 Josephine Farris et al.

- Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the features and appearance of a person of white parentage; dark brown hair, dark brown eyes, medium fair complexion; testifies she has no knowledge of any act of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Prince C Jones
Notary Public.

COPY.

M.C.R. 6133

Muskogee, Indian Territory, January 27, 1903.

Mary Olivia Allbright,

Thurber, Texas.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Farris, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Farris, et al.	M.C.R. 6132
Mary Olivia Allbright, et al.	M.C.R. 6133
George Hudson Gotner	M.C.R. 6135
Minnie Murray, et al.	M.C.R. 6134
Michael C. O'Brien	M.C.R. 6234
Henry L. Powers, et al.	M.C.R. 6250
Sallie C. Brooks, et al.	M.C.R. 6252
Nancy M. Ekum, et al.	M.C.R. 6253
Lewis Elijah Powers	M.C.R. 6251
Jack Dempsey Powers	M.C.R. 6260

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Mary Olivia Albright,---?

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Farris, Emma Farris, Margie Farris, Thaddeus Farris, Paul Farris, Lucille Farris, Homer May Farris, Mary Olivia Albright, Zelah Albright, Albert Monroe Albright, Essie Albright, Opal Lucille Albright, George Hudson Cotner, Minnie Murray, Loy Lee Murray, Claudis Murray, Charlie Thedford Murray, Michael C. O'Brien, Harry L. Powers, Nellie Alberta Powers, Lena Irene Powers, Lonnie Orane Powers, Sallie C. Brooks, Vada Allene Brooks, Marvel A. Brooks, Thomas L. Brooks, Gypsy S. C. Brooks, Nancy M. Exum, James P. Exum, Lewis Elijah Powers, and Jack Dempsey Powers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6138

COPY.

Muskogee, Indian Territory, April 30, 1903.

Mary O. Albright,

Thurber, Erath County, Texas.

Dear Madam:

You are hereby notified that on the 17th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Harris, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED BY)

Tame Bixby
Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 19 1902

Name Mary O. Albright

Age 31 Blood 1/8

Post-Office, Thurber Erath Co. Texas

Father: Shaddens C. Miron Brad

Mother: Mozella Rouse ✓

Claims through Mother
Husband Alexander J. Albright ✓

Claims for self & Children

Children:

Jedah Albright 16
Albert M Albright 14
Eddie Albright 12
Ophelia Lucille Albright 3

Monograph Lebra M. 10-10-10

Choctaw MCR 6134

Minnie Murray

See MCR 6132

MCR 6134

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 9, 1902.

In the matter of the application of Minnie Murray for the identification of herself and her three minor children Loy Lee, Claudis and Charlie Thedford Murray as Mississippi Choctaws.

Minnie Murray being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Minnie Murray.
Q How old are you? A I'm twenty three.
Q How much Choctaw blood do you claim? A One eighth I guess; just like the rest.
Q What is your post office address? A San Angelo Texas in Tom Green County.
Q Were you born in Texas? A Yes sir.
Q Never lived anywhere else except in Texas? A No sir never lived anywhere else.
Q Is your father living? A No sir; I don't know whether he's living or not; I don't know whether he is or not; he went off when I was small.
Q What is your father's name? A Joseph Cotner.
Q How old is your father now? A I guess he would be about fifty.
Q Is your mother living? A Yes sir/
Q What is her name? A Mesella Petree.
Q How old is your mother? A She's fifty two.
Q Through which parent do you claim Choctaw blood?
A My mother.
Q Your mother has married again since the disappearance of Joseph Cotner. A Yes sir.
Q Was she legally married to Joseph Cotner under a license by a minister? A Yes sir.
Q Has your mother ever been before this Commission and made application for identification as a Mississippi Choctaw? A I don't know; she made it in one; I don't know whether it was Choctaw or not; I think though she's been here.

The records of the Commission show that Mesella Petree mother of this applicant, appeared before this Commission on February 5, 1901 and made personal application for the identification of herself and her minor children Joseph L. Cotner and Ed B. Petree as Mississippi Choctaws; the records of the Commission further show that her case was consolidated and considered with the case of Ronchali C. Barron and certain of her persons, applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor, Thomas Barron, and that the Commission on June 4, 1902, rendered its decision refusing the applications of the several persons included in the consolidated case of Ronchali C. Barron et al., and on June 14, 1902 notified the several applicants in said consolidated case by registered mail of such decision and of the forwarding of the record to the Secretary of the Interior for review.

- Q Is Ronchali C. Barron a brother of your mother? A Yes sir.

Minnie Murray--2.

- Q Are you related to the two applicants who have just preceded you - Josephine Farris and Mary O. Albright? A Half sister.
Q Same mother? A Yes sir.
Q And different father's? A Yes sir.
Q You derive your Choctaw blood from the same source they do?
A Yes sir.
Q And desire your case to be considered together with theirs and the evidence in their cases to be considered as evidence in your case? A Yes sir.

Reference is made to M.C.R. cases 6132 Josephine Farris et al and Mary O. Albright et al 6133.

- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A I don't know only just what she says.
Q All you know about it is this a application she has made to this Commission? A Yes sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Charlie Murray.
Q Does he make any claim to being possessed of Choctaw blood?
A No sir.
Q He's a white man is he? A Yes sir.
Q Have you any children you want to make application for?
A I have three.
Q Give their names and ages please? A Loy Lee.
Q Is that a boy or girl? A Boy.
Q How old? A Eight years old.
Q The next child? A Claude Murray.
Q C-l-a-u-d-e i-s? A Yes sir.
Q Is that a boy or girl? A Boy.
Q How old? A Six years old.
Q The next child? A Charlie Thadford Murray.
Q How old is he? A He's thirteen months old.
Q You are the mother of these children? A Yes sir.
Q Charlie Murray is their father? A Yes sir.
Q Is your name or the names of any of your minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A Well I don't know.
Q Did you ever make any application to the Choctaw tribal authorities to have yourself and children enrolled?
A Never did until this time.
Q This is the first application of any kind you have ever made? A Yes sir.
Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
Q Did you in the year 1896 make application for yourself or any of your minor children for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?
A Well I don't know what you mean.

Minnie Murray 3

- Q Did you make application for citizenship in the Choctaw Nation in 1896? A No sir.
- Q Is this the first application you have ever made of any kind for your self and minor children to the Choctaw tribal authorities or the authorities of the United States? A Yes 1 sir..
- Q You came before the commission at this time claiming a share in the lands of the Choctaw Nation Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September 1830; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line of that state; the object of the treaty was to secure the removal of the Choctaws from the country occupied by them to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws didn't want to come to this new country but preferred to remain in the old Choctaw Nation and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830; that article required that in case a Choctaw elected to remain in the old Choctaw Nation he should within six months from the date the treaty was ratified by Congress which was done by Congress on the 24th day of February 1831 go before the government agent there in the old Choctaw nation and let him know in some manner, that he wanted to remain there and take land under the provisions of this article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to

be bounded by sectional lines of survey; and for each unmarried child in his family over ten years of age he was entitled to a half section or three hundred and twenty acres of land and for each child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres the reservations of the children to adjoin the location of the parent and those reservations to include any improvement owned by the head of the family at the time the treaty was made September 27 1830. This article also required that a Choctaw after receiving his land should reside on the same for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That it means that in case a Choctaw who remained in the old nation and accepted his land under the provisions of article fourteen he did not if he ever removed forfeit his right of citizenship in the Choctaw Nation Indian Territory but did forfeit any right to participate in the annuity payment; annuities were moneys that were paid by the government to the Choctaw Indians annually under treaty provisions.

That is article fourteen and an explanation of it; you make your claim under that article do you? A Yes sir.

Q Can you give me the name of a Choctaw ancestor of yours who was living in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was concluded September 27, 1830? A Thomas H. Barron.

Q You claim your Choctaw blood from your mother? Mozella Petree? what relation was she to Thomas H. Barron; was your mother a daughter of Thomas H. Barron? A Yes sir.

Q Thomas H. Barron is your grandfather on your mother's side? A Yes sir.

Q Was he married and head of a family in 1830 when this treaty was made seventy two years ago; have you some aunts or uncles who would be over seventy three or four years of age if they were living now? A Yes sir.

Q Then according to the best of your knowledge and belief Thomas H. Barron was married and head of a family in 1830 was he? A No sir.

Q If your mother had some brothers and sisters who were over seventy two years of age it is evident from that that he was married and head of a family at that time isn't it? A I don't know; I don't think he was.

Q Was Thomas H. Barron recognized as a member of the Choctaw tribe of Indians in 1830? A Yes sir.

Q Have you any proof that he was recognized; you know what recognized means do you; a member of that tribe; that means whether he conformed to all the customs laws and usages of the Choctaw tribe of Indians and was considered as a member of the Choctaw tribe of Indians; do you think he was considered as such; you understand the question do you?

A Well he stayed around there with them.

Minnie Murray--5

- Q But do you know whether he was considered as a member of the band of Choctaws? A Yes sir.
- Q You think he was? A Yes sir.
- Q You know that from family history do you? A Yes sir.
- Q You have no proof of any kind to show that he was? A No sir.
- Q Do you know whether ever complied with or attempted to comply with the provisions of article fourteen of the treaty of 1830 which I have read and explained to you? A (No answer)
- Q By complying with that article I mean this: did he at any time within six months from the 24th day of February 1831 go before the government agent there and tell him he wanted to stay in the old Choctaw Nation and take land under article fourteen and did he stay, take land under article fourteen with the Choctaws who remained in the old Choctaw Nation? A I dont know.
- Q Do you know whether Thomas H. Barron owned any improvements in the old Choctaw Nation in Mississippi or Alabama? A I dont know that either.
- Q Did he stay in the old Choctaw Nation with those Choctaws who wanted to stay there or did he move to the Choctaw Nation Indian Territory between the years 1833 and 1838 when the Choctaws moved over here to the Choctaw Nation Indian Territory? A I think so.
- Q Do you know what year he moved to this country? A No sir.
- Q Do you know where your grandfather died? A He died in Texas.
- Q Do you know whether he ever lived in the Indian Territory or not? A No sir I dont.
- Q When did he move from Texas? A Well I dont know.
- Q Do you know whether he ever made a claim or ever received any land from the United States as a Choctaw Indian? A I dont think he did.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of those Choctaws who wanted to remain there and take land under the provisions of that article; the records of the government show that this agent failed to register the names of a great many Choctaws who told him they wanted to stay there and take land and on this account land on which Choctaws owned improvements and which they supposed they would receive under article fourteen was sold at the public land sales of the government in Mississippi; this caused a great many complaints on the part of the Choctaws and the complaints finally reached Congress and Congress under an act approved May 31 1837 and another act approved August 25 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims; a great many claims were investigated - some allowed and others rejected; of the claims allowed after they were approved by the Secretary of War and the President if it was found the land had not been sold the Choctaws were given the land; if the land had

Minnie Murray 6

been sold such Choctaws were given scrip in lieu of the land that had been sold and under this scrip the Choctaws could locate on vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas.

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- Q How did Thomas Barron appear before either of these commissions and establish or attempt to establish a claim to land under article fourteen? A I dont know.
- Q Do you know whether he ever received from the United States government any scrip that would entitle him to locate on vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas; did you ever hear of his having received scrip? A No sir I dont remember.
- Q Have you ever seen or heard of the existence of any deed or patent or paper of any kind that would tend to show that Thomas H. Barron received land from the United States government under article fourteen of the treaty of 1830? A Well I dont know; I for get.
- Q When so far as you know Thomas H. Barron never received any land from the United States government as a Choctaw Indian under article fourteen? A Well I dont know.
- Q Have you any witnesses you want to introduce today in support of your application? A I dont know of any.
- Q You know if you have any witnesses here today? A No sir.
- Q Have you any papers you want to file with the Commission today? A Yes sir.

The applicant offers for filing in support of her claim the affidavit of John Lewis which is received marked exhibit A and made a part of the record in this case.

- Q Do you know John Lewis personally? A No sir.
- Q Do you know whether he speaks the English language or the Choctaw language? A I dont know.
- Q Do you know either of the witnesses to this affidavit, W.A. Reed or E. J. Matthis? A No sir.
- Q Is there any further statement you want to make in support of your application? A No sir I guess not.
- Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the features and appearance of a person of white parentage; grayish brown eyes; brown hair; medium fair complexion; testifies she has no knowledge of any act of compliance on the part of her ancestors with any of the provisions of article fourteen of the Choctaw treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15 day of August 1902.

Prince C. Jones
Notary Public.

Muskogee, Indian Territory, January 27, 1903.

Minnie Murray,

Remailed To Oconee, 27 March 11-03
~~San Angelo, Texas.~~

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Farris, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Farris, et al.	M.C.R. 6132
Mary Olivia Albright, et al.	M.C.R. 6133
George Hudson Cotner	M.C.R. 6135
Minnie Murray, et al.	M.C.R. 6134
Michael C. O'Brien	M.C.R. 6234
Henry L. Powers, et al.	M.C.R. 6250
Callie C. Brooks, et al.	M.C.R. 6252
Nancy M. Egan, et al.	M.C.R. 6253
Lewis Elijah Powers	M.C.R. 6251
Jack Dempsey Powers	M.C.R. 6260

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Minnie Murray,--3

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Farris, Emma Farris, Margie Farris, Thaddeus Farris, Paul Farris, Lucille Farris, Homer May Farris, Mary Olivia Albright, Zelah Albright, Albert Monroe Albright, Emma Albright, Opal Lucille Albright, George Hudson Cotner, Minnie Murray, Loy Lee Murray, Claudis Murray, Charlie Thedford Murray, Michael C. O'Brien, Henry L. Powers, Nellie Alberta Powers, Lena Irene Powers, Lonnie Grene Powers, Sallie C. Brooks, Vada Allene Brooks, Marvel A. Brooks, Thomas L. Brooks, Gypsy S. C. Brooks, Nancy M. Exum, James P. Exum, Lewis Elijah Powers and Jack Dempsey Powers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John C. ...
Acting Chairman.

Registered.

M C R 6132
M C R 6134

Muskogee, Indian Territory, February 14, 1903.

C. F. Murray,
Ocoee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and Minnie Murray of the 8th instant, in which you state that you went before the Commission in August, 1902, and have never heard from your case. You ask if more evidence is wanted and what time will be allowed you to get such evidence.

In reply to your letter you are informed that it appears from the records of the Commission that yourself and Minnie Murray are applicants for the identification of yourselves and families as Mississippi Choctaws.

The Commission, on January 27, 1903, rendered its decision refusing your applications and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision within which to file arguments in support of your claims to be transmitted to the Secretary of the Interior.

The fifteen days from January 27, 1903, heretofore granted you within which to file arguments in support of your claim, expired February 11, 1903. On February 12, 1903, the record in these cases, together with the decision of the Commission, was for-

C F M 2

warded to the Secretary of the Interior. Pending action thereon by him no further evidence can be received or considered by the Commission.

You will be duly notified of such action as may be taken by the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, March 28, 1903.

Minnie Murray,

Ocenee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed further time in which to submit additional proof, and that the Commission return the evidence of John Lewis offered in support of your claim.

In reply to your letter you are informed that the fifteen days from January 27, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 11, 1903. On February 12, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

M M 2

The record in your case is now in the hands of the Department and the Commission therefore cannot return to you the evidence submitted in support of your claim.

Respectfully,

Chairman.

M.C.R. 6134

COPY

Muskogee, Indian Territory, April 30, 1903.

Minnie Murray,

Ocoee, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Harris, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

Tamm E. ...
Chairman.

For Identification as a Mississippi Choctaw.

Date

AUG 9 1902

Name *Minnie Murray*

Age *23* Blood *1/8*

Post-Office, *San Angelo Texas*

Father: *Joseph Cotner* *Not*

Mother: *Myella Petree* *Know of living* ✓

Claims through
Margaret Mother
Charlie Murray ✓

Claims for self & 3 children

Children:

Loy Lee Murray (m) 8

Claudis (m) 6

Charlie (m) 13m

Stenographer

Chas. A. Wood

Choctaw MCR 6135

George Hudson Cotner

See MCR 6132

MCR 6135

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 9, 1902.

In the matter of the application of George Hudson Cotner
for identification as a Mississippi Choctaw.

George Hudson Cotner being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Cotner.
Q Given name? A George Hudson.
Q How old are you? A Twenty five.
Q How much Choctaw blood do you claim? A One eighth.
Q What is your post office address? A Atoka,
Q I.T.? A Yes sir.
Q How long have you lived at Atoka? A I've lived there five
months.
Q Where did you live prior to your moving to Atoka? A Texas
Q Born in Texas? A Yes sir.
Q Never lived anywhere else except in Texas and the Choctaw
Nation? A Yes sir.
Q Where? A In the Chickasaw Nation two years.
Q You have lived in Texas and the Chickasaw and Choctaw
Nations have you? A Yes sir.
Q Is your father living? A I dont know whether he is or not;
that's something I cant say.
Q What is his name? A Joseph Cotner.
Q Is your mother living? A Yes sir.
Q What is her name? A Mozella Petree.
Q How old is your mother? A Fifty two years old.
Q How old is your father? A Well I reckon he must have been
when he left - he was about thirty eight years old.
Q How long ago was it? A I was eight years old when he left
Q You are now twenty five? A Yes sir.
Q That would make him about fifty five years of age? A Som-
where about fifty anyway.
Q Through which one of your parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood does she claim? A One quarter
Q Your mother has married again since the disappearance of your
father Joseph Cotner? A Yes sir
Q Where does your mother reside? A Boggy Depot.
Q That's in the Indian Territory? A Yes sir; Choctaw Nation.
Q Has your mother ever made an appearance before the
Commission and made application for identification as a
Mississippi Choctaw? A Yes sir one time.

The records of the Commission show that Mozella Petree-
mother of this applicant appeared before this Commission
on February 5, 1901, and made personal application for
the identification of herself and her minor children
Joseph L. Cotner and Ed B. Petree as Mississippi Choctaws;
the records of the Commission further show that her case
was consolidated and considered with the case of
Ronchali G. Barron and certain other persons, applicants
to this Commission for identification as Mississippi Choctaw
claiming descent from the same common ancestor, Thomas Barron
and that the Commission on June 4, 1902, rendered its decision
refusing the applications of the several persons included
in the consolidated case of Ronchali G. Barron et al.,
and on June 14, 1902, notified the several applicants

in said consolidated case by registered mail of such
dedition and of the forwarding of the record to the
Secretary of the Interior for review.

- Q What relation is Remchali C. Barron to your mother? A Bro-
ther.
- Q They derive their Choctaw blood from the same source do
they? A Yes sir.
- Q Are you married? A No sir.
- Q Claiming for yourself alone are you not? A Yes sir.
- Q Has your mother ever been recognized in any manner or
enrolled as a member of the Choctaw tribe of Indians in
Indian Territory by the Choctaw tribal authorities or by
the United States authorities? A Not that I know of.
- Q Is your name to be found upon any of the tribal rolls of the
Choctaw Nation Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authori-
ties to be enrolled as a member of that tribe?
- A Well I did here a long time ago; I can't say how long it's
been but we didn't get in you know.
- Q Did you ever receive any notice of whether you were rejected
- A No sir.
- Q Did you make application in the year 1896 to the Commission
to the Five Civilized Tribes for citizenship in the Choctaw
Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities, the Com-
mission to the Five Civilized Tribes or the United States
Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time to
either the Choctaw tribal authorities or the authorities
of the United States to be admitted or enrolled as a
citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the
purpose of claiming a share in the lands of the Choctaw
Nation Indian Territory under the provisions of the fourteenth
article of the treaty between the United States government
and the Choctaw tribe of Indians concluded September 27
1830? A I do.

This treaty was entered into at a place called pancing
Rabbit Creek in Mississippi by the United States government
and the Choctaw tribe of Indians on the 27th day of September
1830; at that time the Choctaws occupied a portion of the
state of Mississippi and a small portion of the state of
Alabama lying along the western boundary line, the object
of the treaty was to secure the removal of all the Choctaws
from the country they then occupied to new country west
of Mississippi river which is now the Choctaw Nation
Indian Territory; at the time the treaty was made a good
many of the Choctaws didn't want to come to this country but
wanted to remain in the old Choctaw Nation and for the
benefit of that class of Indians article fourteen was made
a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and
become a citizen of the states shall be permitted to do so
by signifying his intention to the agent within six months
from the ratification of this treaty and he or she shall
thereupon be entitled to a reservation of one section of
six hundred and forty acres of land to be bounded by section-
al lines of survey; in like manner shall be entitled to one-

half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become a citizen of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

That is article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830; and that article required that in case a Choctaw elected to remain in the old Choctaw nation and take land under its provisions he should within six months from the 24th day of February 1831 the date that Congress ratified the treaty go before the government agent in the old Choctaw Nation and let him know in some way that he wanted to stay there and take land under this article; after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each unmarried child in his family over the age of ten years he was entitled to one half section or three hundred and twenty acres and for each child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres the reservations of the children to adjoin the location of the parent and to include any improvement owned by the head of the family at the time the treaty was made September 27 1830; this article also required that after a Choctaw received his land he should reside upon the same for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

That means that after a Choctaw had remained in the old Choctaw nation and took his land under this article he did not forfeit the right of citizenship in the Choctaw nation if he ever removed but did forfeit any right to participate in the annuity payments; annuities were moneys that were being paid to the Choctaw tribe of Indians annually by the United States government under treaty provisions.

- Q I have read article fourteen and explained it; that is the article on which you base your claim is it? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made September 27 1830? A I don't know anybody only my grandfather.
- Q What was his name? A Thomas H. Barron
- Q You claim your Choctaw blood from your mother Rosella Petree? A Yes sir.
- Q Was she a daughter of Thomas H. Barron? A Yes sir.
- Q Was Thomas H. Barron married and head of a family at the

time this treaty was made September 27 1830? A I dont know ; I dont think he was; I dont know for sure but I dont think he was.

- Q I have just stated to you that the record in the case of your mother has been consolidated with that of Ronchali C. Barron; the evidence in that case shows that your mother had thirteen brothers and sisters older than she and that one of your aunts Almada White the daughter of Thomas H. Barron by his first wife was sixty eight years of age at the time she made her application in February 1900; that would make her about seventy years of age at this time; the she was born about the years 1830; then having thirteen brothers and sisters older than she would be pretty good proof that Thomas H. Barron was married and head of a family at the time of her birth? A It looks that way but I cant get it into my head that way.
- Q Do you know Almada White? A Yes sir.
- Q She's an aunt of yours? A Yes sir- half aunt.
- Q Does she look like she's seventy years of age? A About sixty I guess.
- Q She testified at the time she made her application she was sixty eight years of age; A She might be but I dont believe it.
- Q Do you know any of the other children besides Almada White? A Travis Barron.
- Q How old is he? A He's about seventy somewhere along there.
- Q Is he older or younger than Almada White? A I forget.
- Q Is he a brother of Almada White? A Half I think.
- Q The record shows Travis Barron to be a full brother of Almada White and older than she. A I dont know anything about my kin folks hardly.
- Q You dont know whether Thomas H. Barron was married and head of a family in 1830 or not? A No sir I cant say.
- Q Do you know anything about Thomas H. Barron's father or mother - their names? A No sir.
- Q Do you not know what your great grandmothers name and your great grandfather name was? A No sir.
- Q Do you know anything about his father? A No sir.
- Q Know his name? A No sir
- Q Do you know whether Thomas H. Barron or any of his ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir I dont.
- Q Do you know whether Thomas H. Barron or any of his ancestors ever complied or attempted to comply with article fourteen of the treaty of 1830? A No sir I dont.
- Q Do you know whether Thomas H. Barron owned any improvements in what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A No sir.
- Q Do you know whether he within six months from the date of the ratification of this treaty appeared before the government agent in the old Choctaw Nation in Mississippi and Alabama and signified his intention of remaining in the old nation and taking land under article fourteen? A No sir.
- Q So far as you know did he ever receive any land from the United States government as a Choctaw Indian under article fourteen? A No sir he did not.

- Q Did Thomas H. Barron remove from the old Choctaw Nation with the Choctaws when they removed from the Choctaw Nation Indian Territory between the years 1833 and 1838 or did he stay in the old Choctaw Nation? A Stayed there about five years I think.
- Q Where did he move then? A Over here in the nation. Stayed here and traded round a while and then went over in Texas - Waco.
- Q When he come over here to the Choctaw Nation did he come as a Choctaw Indian or as a trader? A As a Choctaw Indian.
- Q As a member of the band of Choctaw Indians? A Yes sir.
- Q Do you know what year he moved to Texas? A 1830.
- Q He moved to Texas in 1830? A Seems like he did but I want be sure.
- Q That's very important to know where he moved over here with the Choctaws any time with the different bands of Choctaws who moved from the old Choctaw Nation to the Choctaw Nation Indian Territory, to show whether he could have complied with the requirements of article fourteen or not. Now cant you give the Commission any information which would lead up to any proof tending to show that he stayed in the old Choctaw Nation ~~and~~ a sufficient length of time to comply with article fourteen or attempted to comply with it? A No sir I dont.

In accordance with the provisions of article fourteen of this treaty the government directed an agent to register the names of those Choctaws who wanted to stay there and take land under its provisions and the records of the government show that this agent failed to register the names of a great many Choctaws who went before him and told him they wanted to stay there take land and become citizens of the states and on this account land on which Choctaws had improvements and which they wanted reserved for them under this article was sold by the United States government at its public land sales and the Choctaws were dispossessed of the land which they wanted reserved for them; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under the acts approved March 3, 1837 and August 23, 1842 authorized Commissions to go into the old Choctaw Nation and investigate the cases of Choctaws who claimed their land had been taken from them by the government and sold; a great many claims were investigated - some allowed and others refused; of the claims allowed if it was found that the land had not been sold by the government they were given the land; if however land to which Choctaws established their claims before these commissions had been sold those Choctaws were given scrip and under this scrip could locate on vacant government land in the states of Mississippi, Alabama Louisiana or Arkansas.

- Q How did Thomas Barron remain in the old Choctaw Nation in Mississippi until the expiration of the five years or did he appear before either of those commissions and establish or attempt to establish his claim to land under article fourteen?

G H Cotner--7.

- A I cant tell you.
- Q Did you ever hear of his having received any scrip from the United States gov ernment for land which he had proved his claim to before these commissions? A No sir.
- Q You dont know whether he ever owned any improvements in Mississippi or Alabama? A No sir.
- Q So far as you know then did Thomas H. Barron or any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A No sir.
- Q Do you know of the existence of any deeds or patents or papers that would tend to show that your ancestors ever complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q Have you any papers you want to file today?

Applicant submits the affidavit of John Lewis which is marked Exhibit A filed and made a part of the record in this case.

- Q Do you know John Lewis Personally? A No sir.
- Q Do you know either one of these witnesses who signed this affidavit? M. A Reed or T.W. Matthis? A No sir.
- Q Do you know whether John Lewis speaks the English language or not? A No sir I dont.
- Q You hav e never see him? A No sir but I've been told he doesn't speak it.
- Q That he does not speak English? A Yes sir.
- Q The affidavit you submit is sworn and subscribed to in the English language; no mention is made of his speaking Choctaw only.
- Q Have you any witnesses you want to introduce in support of your case today? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there any other statement you want to make in support of your case? A No sir not today.

The applicant has the features and appearance of a person of white parentage; brown hair, reddish cast; fair complexion; gray blue eyes; testifies that he has no knowledge of any act of compliance on part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 15 day of August 1902.

Orin C Jones

COPY.

M.C.R. 6135

Muskogee, Indian Territory, January 27, 1903.

George Hudson Cotner,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Farris, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Farris, et al.	M.C.R. 6132
Mary Olivia Albright, et al.	M.C.R. 6133
George Hudson Cotner	M.C.R. 6135
Minnie Murray, et al.	M.C.R. 6134
Michael C. O'Brien	M.C.R. 6234
Henry L. Powers, et al.	M.C.R. 6250
Sallie C. Brooks, et al.	M.C.R. 6252
Nancy M. Exum, et al.	M.C.R. 6253
Lewis Elijah Powers	M.C.R. 6251
Jack Dempsey Powers	M.C.R. 6260

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

George Hudson Cotner,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Farris, Emma Farris, Margie Farris, Thaddeus Farris, Paul Farris, Lucille Farris, Homer May Farris, Mary Olivia Albright, Zelah Albright, Albert Monroe Albright, Essie Albright, Opel Lucille Albright, George Hudson Cotner, Minnie Murray, Loy Lee Murray, Claudie Murray, Charlie Thedford Murray, Michael C. O'Brien, Henry L. Powers, Nellie Alberta Powers, Lena Irene Powers, Lonnie Grene Powers, Sallie C. Brooks, Vada Allene Brooks, Marvel A. Brooks, Thomas L. Brooks, Gypsy S. C. Brooks, Nancy M. Exum, James P. Exum, Lewis Elijah Powers and Jack Dempsey Powers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tammie E. Eddy,

Acting Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

111-13
REFER IN REPLY TO THE FOLLOWING

M.C.R. 6136

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 30, 1903.

George Hudson Cotner,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 17th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Farris, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,



Chairman.

No.

6135

For Identification as a Mississippi Choctaw.

Date _____
Name *George Hudson Carter*
Age *25* Blood *1/8*
Post-Office *Chickasaw Sq.*
Father: *Joseph Carter* *Don't know if living*
Mother: *Maryella Petree* *✓*
Claims through *Mother*

Claims for self alone

Children:

Stenographer *Lara M Wood*

6135

216

RECEIVED

ATOKA INDIAN
MAY 10 1903
REC'D

MUSKOGEE
JUN 10 1903
RECEIVED

COMMISSIONER TO
FEDERAL INDIAN

INDIAN TRIBES

JUL 2 1903

[Handwritten signature]

CHAIRMAN

ATOKA INDIAN
MAY 10 1903
REC'D

ATOKA INDIAN
JUL 2 1903
REC'D

Choctaw MCR 6136

Harmon M. Gaddis

See MCR 6223

MCR 6136

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 11, 1902.

In the matter of the application of Harmon M. Gaddis for the identification of himself and his minor child Thelma May Gaddis as Mississippi Choctaws.

Harmon M. Gaddis being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Harmon M. Gaddis.
Q How old are you? A Twenty nine.
Q How much Choctaw blood do you claim? A Well I don't know; about one eighth I guess.
Q What is your post office address? A It's Dallas, 109 Crowder Street.
Q Dallas Texas? A Yes sir.
Q How long have you lived in Texas? A I been in Texas seventeen years.
Q Where was you born? A In Kentucky.
Q Moved from Kentucky to Texas? A Yes sir.
Q Is your father living? A No sir.
Q What is your father's name? A Jacob Gaddis.
Q How old a man would your father be if living now? A He would be about sixty nine years of age.
Q Is your mother living? A No sir.
Q What was her name? A Her name was Bailey. Her given name was Tennessee.
Q Tennessee Bailey was her maiden name? A Yes sir.
Q Her married name was Tennessee Gaddis? A Yes sir.
Q How old would your mother be if living now? A Fifty one.
Q Through which parent do you claim Choctaw blood? A From my father's side.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Were your father and mother legally married? A Yes sir.
Q When and where were they married? A They were married in Kentucky; let me see they were married in '66 I believe it was.
Q In the state of Kentucky? A Yes sir.
Q Were they married under a license? A Yes sir.
Q By an official or a clergyman? A Clergyman I believe.
Q Are you a brot her to Georgia Eller McFarley? A Yes sir.
Q Maggie Lee Thompson? A Yes sir.
Q Lezinka Thompson? A Yes sir.
Q Mirrie Gaddis? A Yes sir.
Q Same father and same mother? A Yes sir.

It will be necessary in the matter of this application that the Commission be furnished with evidence of the legal marriage of your father and mother and that evidence has been requested in the cases of your sisters who have made application before you for identification as Mississippi Choctaws and the filing of that evidence in one case will answer for all of the other cases.

Reference is made to M.C.R. 6124, 6125, 6127, 6128 and 6129.

Harrison M. Gaddis - 4 .

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Lizzie Gaddis.
Q Does she make any claim to Choctaw blood? A No sir; she doesn't.
Q Have you any children? A Yes sir I have one.
Q What's the name of that child and age? A Thelma May Gaddis.
Q How old is that child? A A out six weeks old.
Q Were you legally married to your wife? A Yes sir.
Q Under a marriage license? A Yes sir.
Q Where were you married to her? A I was married in Dallas.
Q Dallas Texas? A Yes sir.
Q Have you evidence of your marriage with you? A Not with me; I have it at home.

It will be necessary for you to file evidence of the marriage of yourself and Lucy Gaddis in support of the application you make for your minor child; you can file the original marriage license and certificate or a certified copy of them

- Q Then this claim is for yourself and your minor child. A Yes sir.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A Well I don't know.
Q Did you ever make application to have it put there?
A No sir.
Q Is this the first application you ever made? A Yes sir.
Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q When you have never been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities or the United States authorities? A No sir.
Q You came before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27 1830? A Yes sir.

The treaty of 1830 was concluded between the government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September of that year; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line of that state; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws refused or didn't want to come to this country and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the loca-

of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

That is article fourteen of the treaty of 1830 which was made a part of the treaty for the benefit of that class of Choctaws who wanted to remain in the old Choctaw Nation and it required the Choctaws who wanted to remain there, within six months from the day the treaty was ratified by Congress which was done on the 24th day of February 1831 to go before the government agent in the old Choctaw Nation and signify to him - that is tell him, let him know in some way that he wanted to remain and take land under the provisions of that article; after having done that he was entitled as the head of a family to a reservation of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over the age of ten years and unmarried a half section or three hundred and twenty acres and for each child in his family under ten years of age one quarter section or one hundred and sixty acres, the reservations of the children to adjoin the location of the parent and to include any improvement owned by the head of the family at the time the treaty was made; the article also required that after a Choctaw had received his land from the government he should reside upon the same for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

That means that a Choctaw who remained and complied with the fourteenth article and took his land from the government did not forfeit any right of citizenship he had in the old Choctaw Nation Indian Territory and did not forfeit any right to participate in the annuity payments; annuities were moneys paid to the Choctaw Indians annually by the United States government under treaty provisions.

I have read to you article fourteen and explained to you its provisions; is that the article under which you make your claim? A Yes sir.

Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation Mississippi and Alabama at the time this treaty was made September 27, 1830? A Madewell.

Q What was her given name? A Mary.

Q Do you know how much Choctaw blood Mary Madewell claimed.

A I don't know exactly.

Q Now you claim one eighth? A I think she claimed three fourths.

- Q You claim your Choctaw blood from your father Jacob Gaddis?
A Yes sir.
- Q Which parent did he get his Choctaw blood from? A His mother.
- Q What was his mother's name? A Mary Madewell.
- Q Was Mary Madewell married and head of a family in 1830 when the treaty was made? A Yes sir.
- Q You are sure she was married and head of a family?
A Yes sir; she was married in 1826 I believe.
- Q What was Mary Madewell's husband named? A His name was Gaddis.
- Q What was his given name? A John I believe.
- Q Do you know where they were married? A In Tennessee.
- Q In 1826? A I believe it was Tennessee; I won't be positive.
- Q But to the best of your knowledge and belief they were married in Tennessee in 1826? A Yes sir.
- Q Who did Mary Madewell get her Choctaw blood from? A Her father's side I think.
- Q Do you know what his name was? A No sir I do not; she was born in Mississippi I think.
- Q Do you know what part of Mississippi she was born in?
A No I do not.
- Q Do you know how much Choctaw blood her father claimed to have? A I believe he claimed to be a full blood.
- Q Do you know whether he had an Indian name or not? A I do not.
- Q You say Mary Madewell - your grandmother Mary Gaddis who was Mary Madewell was married in Tennessee in 1826 to the best of your knowledge and belief? A Yes sir.
- Q Did she comply or attempt to comply with article fourteen of this treaty? A Yes sir I believe she did.
- Q In what way did she comply - do you know? A No I do not. She had made one trip to this country before she died; she came for that purpose.
- Q To comply with article fourteen of the treaty of 1830 she would have had to make that compliance in the old Choctaw Nation Mississippi and Alabama? A I she did I don't know.
- Q Did she live in the old Choctaw Nation in Mississippi and Alabama in 1830 at the time this treaty was made? A No I don't suppose she was at that time.
- Q Do you know whether she was a recognized member of the Choctaw tribe of Indians at that time or not? A No sir; I can't tell you.
- Q Do you know whether she owned an improvement in the old Choctaw Nation in Mississippi and Alabama? A Her parents did I think.
- Q Do you know what kind of improvement that was? A No I don't.
- Q How did you get your knowledge that her parents owned improvements? A I got it through John Gaddis; my father's brother.
- Q Has he been before the Commission? A No I think not.
- Q Then it's a matter of family history with you that the parents of Mary Madewell owned an improvement in 1830?
A That's all.
- Q Do you know whether Mary Madewell owned an improvement in 1830 or not? A No I don't.
- Q Did Mary Madewell or her parents move from the old Choctaw Nation to the new Choctaw Nation Indian Territory between the years 1833 and 1838 when the Choctaws moved to the Indian Territory? A Not that I know of.

Harmon M. Gaddis 5.

- Q Do you know whether Mary Madewell ever made any claim to land under article fourteen of the treaty of 1830?
A No sir I do not.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of those Choctaws who wanted to remain and take land under the provisions of that article; the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and on this account land on which Choctaws owned improvements was sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress by act passed and approved one on March 3, 1837 and one August 23, 1842 authorized Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims. A large number of claims were investigated some of them allowed and some refused; of the claims allowed after approval by the Secretary of war and the President if it was found that Choctaws established their claims before these commissions to land that had not been sold, they were given the land; if Choctaws appeared before these commissions and established claims to land that had been sold they were given scrip that would entitle them to locate on vacant government land in the states of Mississippi Alabama Louisiana or Arkansas.

- Q Did Mary Madewell or her parents appear before either of these commissions and establish or attempt to establish claims to land under article fourteen? A I couldn't tell you sir; not that I know of.
Q Did you ever hear of Mary Madewell or any of your ancestors ever receiving scrip from the United States government through either of these commissions for land that had been sold by the government? A No sir.
Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.
Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830? A No sir I don't know.
Q Did you ever hear of or see a deed or patent or papers which would tend to show that Mary Madewell or her ancestor ever received any land from the United States government?
A No sir I didn't.
Q Do you know of any witnesses who could testify that your ancestor ever received any land from the United States government under article fourteen? A Well I don't know; we have a couple of witnesses down there; they are old people and know our foreparents.
Q What are the names of these people? A George Dice and Joe Taylor.
Q Do they live in Indian territory? A No sir.
Q Where do they live? A The post office of one is Hutchins and the other Dallas/
Q State of Texas? A Yes sir.
Q Is it your purpose to bring these people before the Commission? A Yes sir.

Harmon M. Gaddis--6.

- Q You want further time in which to introduce additional evidence.
A Well I dont know.
Q If you propose to bring these witnesses you want further time? A Well I will have to have it I guess; I didn't know but what I could take their depositions there and send them here.

The Commission will consider depositions when taken in accordance with the rules and regulations of the Commission governing the taking of depositions. A copy of the rules and regulations governing that procedure will be given you and thirty days time will be allowed for furnishing the depositions of those persons; the commission is averse to accepting ex parte affidavits of persons but prefers to have witnesses appear for personal examination under oath but in case of non residence and where witnesses are incapacitated on account of old age or infirmity their depositions will be considered.

- Q Have you any witnesses you want to introduce today in support of your claim? A No sir I haven't any today; there's no one here but me.
Q Have you any written evidence you want to file in support of your case? A No sir.
Q Any statements you want to make in connection with your case? A Well I dont know as there is.
Q Do you speak or understand the Choctaw language? A No sir I cannot.

The applicant has brown hair; brown eyes; medium fair complexion; appearance of a person descended from white parentage; has no knowledge of any act of compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Clara Mitchell Woodbeing first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 16 day of August 1902.

Prince C Jones
Notary public.

Muskogee, Indian Territory, January 28 , 1903.

Harmon M. Gaddis,

109 Crowder Street,

Dallas, Texas.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lesinka Thompson, et al.	M.C.R. 6227
Georgia Eller McCarty, et al.	M.C.R. 6134
Harmon M. Gaddis, et al.	M.C.R. 6136
Maggie Lee Thompson, et al.	M.C.R. 6135
Goodie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6224
Mirtie Gaddis	M.C.R. 6128
Harrison F. Madowell, et al.	M.C.R. 6223

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Harmon M. Gaddis,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Hero Gaddis, Jonnie May Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lesinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Cordie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madowell, Dootie Madowell, and Esther Groome Madowell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Thomas G. Gaddis
Acting Chairman.

Registered.

COPY.

M.C.R. 6136.

Muskogee, Indian Territory, April 27, 1903.

Harmon M. Gaddis,
#109 Crowder Street,
Dallas, Texas.

Dear Sir:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

SIGNED.

James B. Broy.
Chairman.

For Identification as a Mississippi Choctaw.

Date

April 1901

Name Harmon M. Gaddis

Age 29 Blood 1/8

Post-Office, 109 Crowder St
Dallas Texas

Father: Jacob Gaddis Dead

Mother: ~~Jennerson~~ Gaddis DeadClaims through father
wife Lizzie Gaddis
No claim for wife ✓

Children:

Thelma May Gaddis
Crown

Claims for self & child

Stenographer

Clara M. Wood

Choctaw MCR 6137

George M. Jones

See MCR 5735

MCR 6137

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 14, 1908.

#6157.

In the matter of the application of George M. Jones for
the identification of himself as a Mississippi Choctaw.

J. G. Ralls, Attorney for applicant.

George M. Jones being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A George M. Jones.
Q What is your age? A Sixty-six years old.
Q What is your post office address? A Alpine.
Q Where is Alpine? A In Clark County.
Q Where is Clark County? A Arkadelphia is the County seat.
Q What state? A Arkansas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Jones.
Q What was your mother's name? A Mary Elizabeth Jones.
Q Through which one of your parents do you claim Choctaw blood?
A It was from my father's side.
Q How much Choctaw blood do you claim? A I should say that
probably I was an eighth.
Q How old would your father be if living now? A I can't hardly
tell you, but about ninety years old I suppose.
Q Where was he born? A I am not able to tell you that.
Q Where did he live most of his life? A In Mississippi.
Q Was he born in Mississippi? A I don't know whether he was or
not.
Q Do you know where he died? A Out here in Arkansas near Ben-
ton.
Q In Benton County? A I don't know what county, near Benton.
Q Do you remember the date of his death? A Not exactly, in
'49 though.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or by the United States authorities in the Indian
Territory? A I can't tell you positively about that.
Q He never lived in the Indian Territory, did he? A Yes sir.
Q Can you tell whether he was made a member of the Choctaw tribe
of Indians? A No sir, I can't tell you that.
Q Did you ever hear that he was? A Yes sir, I have heard,-
Q Understand my question: the question was, was your father,
John Jones, ever enrolled as a member of the Choctaw tribe of
Indians and have the rights of a Choctaw citizen in the Indian
Territory, now you ought to know positively and ought not to

George M Jones-----2

- be obliged to guess whether he was or not? A I can't tell you about that.
- Q Did you ever hear that he was enrolled as a Choctaw Indian in Indian Territory? A No, I never did.
- Q What makes you say you can't tell about it; you have no reason to think he was ever enrolled have you? A I don't say he was enrolled; I suppose his mother was.
- Q I have asked if he was enrolled in the Choctaw Nation, Indian Territory; now, I am not talking about Mississippi at all; answer the question? A No, I can't answer the question.
- Q Do you understand the question now? A Yes sir, I think I do.
- Q Have you any reason to think that your father was ever enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir, thats the thing I can't say, I can't answer that question.
- Q Can you tell when and where your father and mother were married? A No sir.
- Q Were they married by a minister under a license? A I can't tell you that.
- Q Have you any evidence of their marriage with you now? A I don't reckon they are, I think the family Bible was probably misplaced some time or other.

It will be necessary for you to furnish the Commission with-
in a reasonable time with proper evidence of the marriage of
your father and mother.

- Q Are you married? A Yes sir, I have been married.
- Q Have you a wife living? A No sir.
- Q Have you any children by your deceased wife? A Yes sir, there is five.
- Q Are they over age or under age? A Over age all of them.
- Q Have any of them made application here? A No sir.
- Q What was the name of your wife? A Emily J. Jones.
- Q She is now dead? A Yes sir.
- Q Was she a white woman? A Yes sir.
- Q Have you any minor children that you want to make application for? A No sir.
- Q Give me the present name and address of your oldest child, her married name if it is a woman? A M. L. Thompson.
- Q Is that the oldest child,- what does the M stand for? A Mary L. Thompson.
- Q Where does she live? A She lives in Arkansas, Clark County, near Alpine.
- Q What is her postoffice address? A Alpine.
- Q What is her husbands name? A Thompson.
- Q Full name? A A. J. Thompson.
- Q How many children have they? A None.
- Q What is the name of the next child? A D. A. Mitchell.
- Q What does the D. stand for? A Drucilla.
- Q What is her husband's name? A Mitchell.
- Q Can you give the fullname? A Calis Mitchell.
- Q What is their post office address? A Ursula, Hot Springs County, Arkansas.
- Q Have they any children? A Two.
- Q What is the name of the oldest? A Nancy Luella

George M Jones-----3

- Q How old is she? A I suppose about fourteen years old.
Q What is the name of the next child? A I disremember.
Q What is the name of your next child? A I can't give her name exactly right now.
Q Perhaps you can remember it? A James L. Jones.
Q Is he married? A Yes sir.
Q Is his wife a white woman? A Yes sir.
Q Where does he live? A In Arkansas, Clark County, near Alpine.
Q Has he any children? A Yes sir.
Q Can you give the names of them all? A No sir I can't do that.
Q How many children has he? A He has got four.
Q You don't recollect the names? A No sir.
Q Can you give the name of any other of your children? A No sir, I have got another son.
Q Can't you remember his name? A Yes sir.
Q Give it? A George William Jones.
Q Where does he live? A In Arkansas, Clark County, near Alpine.
Q Is he married? A Yes sir.
Q Is his wife a white woman? A Yes sir.
Q Has he any children? Three.
Q What is his wife's name? A I don't know that I can give her name exactly, I think they call her Lindy.
Q How many children have they? A Three.
Q Can you call their names? A No sir.
Q Have you any minor children for whom you wish to make application? A No sir, none at all.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I don't suppose it is.
Q Have you ever made application to the tribal authorities of the Choctaw Nation in the Indian Territory to be enrolled as a member of that tribe? A No sir I never have.
Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the five Civilized tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation in the Indian Territory? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw, claiming that right under the provisions of article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Well, no sir, I don't.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was entered into by the United States government on one side and the Choctaw tribe of Indians on the other. This treaty was made at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830, and was rati-

fied on the 24th day of February, 1831. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Under the treaty a great many of the Indians removed between the years 1833 and 1838, but before the treaty was signed it became known that a good many of the Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drawn up and put into the treaty of 1830, then the treaty was signed and afterwards became ratified. That article is as follows:

*ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830, under which you are making this claim.

- Q Do you understand it now? A I reckon so, yes sir.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.
- Q Are you sure that you had no ancestors living there then? A There may be one cousin.
- Q What is the name of your ancestor who lived in that old Choctaw Nation in 1830 through whom you claim your right to be identified as a Mississippi Choctaw? A I can't tell,-- Box is the way I understand it.
- Q Give the full name? A Becky Box.
- Q What relation was Becky Box to you? A My grandmother.
- Q Was she your father's mother? A Yes sir.
- Q How much Choctaw blood did she have? A I can't answer that question positively, either one half or three quarters, I can't say which.
- Q Where did she live in the year 1830? A I suppose she lived in Mississippi.
- Q What makes you think she lived in Mississippi? A Right there is where I can remember and she was there when I first could recollect.
- Q Were you born in Mississippi? A Yes sir.
- Q Sixty-six years ago? A Yes sir.
- Q You were born six years after the treaty of 1830, were you? A Yes sir.

- Q How long had your father been living in Mississippi at the time of your birth? A I don't suppose it had been very long; I was born in Mississippi and I don't suppose he had been there but a short time.
- Q Were you the oldest child of your father and mother? A No sir.
- Q How many older than you did they have? A There was four older than me.
- Q How much older was the oldest? A I expect he was all of sixteen years or eighteen, I can't say exactly, older than me.
- Q You have a brother sixteen years older than you? A Yes sir.
- Q What is his name? A Andrew Jolly Jones.
- Q Is he living now? A No sir, he is dead.
- Q He would be eighty-two years old if living now? A Yes sir.
- Q Was he born in Mississippi? A I am not able to answer that question correct, I don't know whether he was or not. He has been dead a good while, and I can't answer that question, I was the fourth child though.
- Q Did you have any sisters older than you? A Yes sir.
- Q How many brothers did you have? A two of them.
- Q Was your father living in Mississippi in 1830? A I don't know, I can't answer that question, I don't suppose he was.
- Q What makes you think he was not? A Well, I don't know, I can't answer that question, and it ain't worth my while to try.
- Q You were born in Mississippi, have you any brothers or sisters older than you that were born in Mississippi? A I have one younger than me that was born there.
- Q I am talking about the older ones now? A I reckon they were born there, I can't tell you.
- Q Who were born there,-- what is your best recollection, have you ever heard that an older brother or sister was born in Mississippi? A No sir, I can't tell you.
- Q And have you no means of telling whether your father was living in Mississippi in 1830? A No sir, I can't tell you about that.
- Q Do you know in what state he lived if not in the state of Mississippi? A He lived in Arkansas.
- Q Before he went to Mississippi? A O, no, afterwards.
- Q Where did he live if he lived elsewhere than in Mississippi, before he went to Mississippi? A I don't know.
- Q Do you know where he used to live before he lived in Mississippi? A In Alabama, I reckon, since he spoke I have some recollection of that.
- Q When did he come from Alabama to Mississippi? A I don't know what time that was, it was before my recollection.
- Q You don't know then whether he lived in the old Choctaw Nation in the state of Mississippi in 1830, but you do know that he lived in Alabama in 1830? A I can't say about that, he is though from Alabama to Mississippi.
- Q Where in Alabama did he live? A I have forgot.
- Q Now you have had your memory refreshed where in Alabama did he live? A I can't state it ~~at~~ at all.
- Q Now then your father was living in the state of Alabama in 1830 was he not, and had a family of children there then did he not? A I can't tell you that is further back than I can go.

- Q But you have older brothers and sisters than yourself have you not? A They are all dead.
- Q Now, I will ask you this question: Do you think that your father, John Jones, lived in the state of Alabama in the year 1830, when that treaty of Dancing Rabbit Creek was made, and did he at that time have children living with him? A I suppose that he did.
- Q You suppose he did because you are now sixty-six years old and was born in Mississippi, and that you had older brothers and sisters, one brother was sixteen years older than you, therefore you think that your father lived in Alabama and had that older son born living with him there in that state, is that right? A Yes sir.
- Q Now then, you claim your Choctaw blood through the ancestor, namely: your father, who lived in the state of Alabama in 1830 do you not, and who had a family there then? A Yes sir.
- Q And going back further he claims his Choctaw blood through his mother, Becky Box? A Yes sir.
- Q That was her maiden name? A Yes sir.
- Q Whom did she marry? A Jones.
- Q Can you give his full name? A Andrew Jolly Jones.
- Q Did he have any Choctaw blood? A Well I am not able to say about that.
- Q How much Choctaw blood do you claim your father, John Jones, had? A One-eighth.
- Q You claim yourself one-eighth? A Yes sir.
- Q Then your father would not be an eighth? A He would I suppose be a quarter.
- Q Did Becky Jones, nee Box, live in Mississippi in 1830, or in Alabama? A I suppose she lived in Alabama, Mississippi it was.
- Q In 1830? A Yes sir.
- Q Do you know where in the state of Mississippi she lived? A In Pontotoc county.
- Q In 1830? A Yes sir.
- Q Were any of your Choctaw ancestors, either your father or his mother, Becky, recognized members of the Choctaw tribe of Indians at that time? A Yes sir.
- Q How do you know your father was a recognized member of the Choctaw tribe of Indians in Alabama in 1830? A I can't answer that question.
- Q You do not know it did you? A No sir.
- Q How do you know that your grandmother, Becky Jones, nee Box, was a recognized member of the Choctaw tribe of Indians in Mississippi? A I have heard her say so.
- Q Tell me what she said to you? A I have heard her say she was an Indian and she has told me I was an Indian when I was small and on up as long as she lived.
- Q Is that all you heard her say? A I heard her say she was a Choctaw, that is all I can remember at the present.
- Q And so that is your answer to the question as to whether she was a member of the Choctaw tribe in Mississippi in 1830? A That's what she said.
- Q Did any of your Choctaw ancestors own any improvements on any land in Mississippi or Alabama in 1830 or 1831? A I can't tell about that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838 or 1840? A No sir, not that I recollect of. I can't recollect it.

- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A There was some that stayed there; my father remained there a while but started to the Choctaw Nation and stopped in Clark County at Arkadelphia, and was fixing to move into the Choctaw Nation, and he had a little business to attend to at Benton near Little Rock.
- Q That was in Arkansas? A Yes sir, and he never lived to get back.
- Q Then your father left Mississippi or Alabama, which? A I suppose he left Alabama and come to Mississippi.
- Q He left Alabama and went to Mississippi, when was that? A I can't answer that.
- Q Answer as near as you can if your are able to? I am doing just as far as I can recollect.
- Q Was that about the time of the treaty or after? A It was somewhere about the time I reckon.
- Q You are sure about the time? A No sir, I am not sure.
- Q Then he went from Alabama to Mississippi and from Mississippi to Arkansas and died there? A Yes sir, he died in Arkansas.
- Q Now the original question I asked was: Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him they wanted to stay in the old Choctaw Nation east of the Mississippi river and take land there and become citizens of the states? A No sir, I don't recollect.
- Q Did any of your Choctaw ancestors ever claim any land or receive any land or any benefits of any kind in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A No sir, I don't know that they ever did, if they did I don't know nothing about it.
- Q Did any of your Choctaw ancestors, either your father, John Jones, or your grandmother, Becky Jones, nee Box, ever comply or attempt to comply in any way with the provisions of article fourteen of the treaty of 1830? A I can't answer that question, I don't know.

In accordance with the provisions of the 14th article of the treaty of 1830 the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and take land there and become citizens of the states. The records of the government show that this agent, Colonel Ward, failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On this account a great many Indians who stayed back there in that old Nation in Mississippi and Alabama had their land taken from them by the government, the land which they were occupying, and this land was sold at its public land sales. This was done because of the neglect of Colonel Ward to put their names upon his register after they made application to him under article fourteen of the treaty of 1830. After they were dispossessed of their land a great many complaints were made by the Indians, so that in 1837 by an act of congress

George M Jones-----8.

approved March 3rd of that year, a commission was appointed by Congress. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission went to Mississippi also and heard claimants under article fourteen of the treaty of 1830. Both of these Commissions made lists of the names of all who came before each of them respectively.

- Q Now, did any of your ancestors, your father John Jones, whom you say lived in Alabama and was the head of a family there in 1830, or did any other of your ancestors go before either of these Commissions, the one of 1837 or the one of 1842, and claim any benefits under article fourteen of that treaty? A Yes sir.
- Q Are you sure about that? A I am tolerably sure by hearing him say so.
- Q You heard your father say he went before the Commission? A Yes sir, I heard him say he did.
- Q Your father started for the Indian Territory? A Yes sir.
- Q And got as far as Arkansas where he died? A Yes sir.
- Q What year was that as far as you can tell? A That was in '48.
- Q Now then you think that some time before that, either in 1837 or in 1842, he went before the Commission do you? A Yes sir, I have heard him speak about it.
- Q Did you ever hear that his claim was allowed there before the Commission of 1837 or 1842? A No sir, I never heard him say.
- Q Do you know whether the name of John Jones is upon the list made by the Commissioners in 1837? A No sir.
- Q Do you know whether it is upon the lists made by the Commissioners in 1842? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the 14th article of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land some place else in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate would be given to him; to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A Yes sir.
- Q Are you sure of that? A I can't be positive of that, a cousin of mine older than me,-
- Q I mean your ancestors, your father or grandfather or grandmother, or any of your relatives in a direct line back; did any of them get any scrip from the government? A No sir, not that I ever heard of.
- Q Did any of your Choctaw ancestors receive any benefits as Choctaw Indians there in Mississippi or Alabama? A I can't tell you whether they did or not.
- Q Have you any witnesses that you want to call at the present time? A No sir.
- Q Have you any other evidence that you want to introduce, docu-

George M Jones-----9.

mentary or otherwise? A No sir.

Q Do you want any time in which to introduce other testimony or to take depositions in this case?

By Mr. Balls, attorney for Applicant: We want 25 days time to take his cousins deposition, a very old man, who lives at Hot Springs, Arkansas.

By the Commission: Twenty-five days time is allowed this applicant in which to introduce testimony if he desires to do so which is proper to be submitted in this case.

Q Have you any relatives claiming through the same common ancestor through whom you claim who have already made application to be identified as Mississippi Choctaws? A Yes sir.

Q Give their names? A Jim Jones.

Q What relation is he to you? A An own cousin.

Q Any others who have been before the Commission? A Well Draper, Lewis J. Draper.

Q Are you related to Mary A. Sparks? A Not that I know of, yes sir.

Q You are related to Mary A. Sparks? A Yes sir.

Q What relation is she to you? A Second cousin of mine.

Q Are you related to Ollie Owens? A Yes sir.

Q What relation is she to you? A Third cousin.

Q Is Rebecca Fitzer related to you? A They are marrying off and I don't know their names.

Q You do not remember? A No sir.

Q Can you tell of any other relatives who have been before the Commission? A No sir, I don't.

Q Do you claim through the same common ancestor through whom these people claim? A Yes sir.

Q What relation is Becky Jones, your grandmother, to Mary A. Sparks? A Great grandmother I reckon.

Q Do you speak the Choctaw language? A None to amount to anything at all.

Q Did your father, John Jones, speak the Choctaw language? A Yes sir, he could.

Q How much? A He could go clear through the whole bit of language.

Q How do you know he could? A I have heard him, and he claimed that he could.

Q Did you ever hear him speak much Choctaw? A No sir, I never.

Q Did you ever hear him speak any? A My father, yes sir.

Q Do you understand Choctaw yourself? A No sir, not much of it.

Q How do you know he was not speaking Greek? A He just said he was talking Choctaw.

Q When did he talk Choctaw? A He talked Choctaw to divers ones, I have heard him lots turn loose to the family and talk it.

Q When he turned loose to the family who did he talk Choctaw to? A To mother.

Q Did she speak the Choctaw language? A Yes sir.

Q She was a white woman? A Yes sir.

Q What made her speak Choctaw? A She was among them a long time and was living with him and she learned it.

Q He was not speaking Choctaw to her all the time? A No sir.

Q He talked English pretty much all of the time? A Yes sir, part of the time.

Q A good deal of the time did he not? A When he was talking to white men he talked English of course.

Q Which could he talk the best, Choctaw or English? A I suppose

he could talk one about as good as he could the other.

- Q How do you know he could; you could not understand him? A I ain't going to say, no sir.

-----Reference is made to Volume 7, American State Papers, page 133; under the caption "Register of Choctaw names as entered by the Agent previous to the 24th of August, 1831, who wished to become citizens according to the provisions of the late treaty in 1830", is found the following entry: "July 5, 1831. John Jones. Number of children over ten years of age, 1. White man, Indian wife."

-----The records of the Commission containing those names of Choctaw Indians whose claims were adjudicated by the two Commissions, appointed under acts of Congress approved March 3, 1837, and August 23, 1848, have been examined, and the name John Jones is not found as a person whose claims were adjudicated by either of these Commissions.

- Q Mr. Jones, on page 133 of Volume 7 of the American State Papers, in a register of Choctaw names entered by the Agent previous to the 24th day of August, 1831, appears the name of one John Jones, a white man with an Indian wife, who signified before the United States Indian Agent a desire to remain in the old Choctaw Nation and take advantage of article fourteen of the treaty of 1830, do you know anything about that register? A No sir.
- Q Do you know anything about the John Jones whose name appears thereon? A No sir, I don't.
- Q Do you know whether that is the John Jones whom you claim was your ancestor? A I don't know, no sir.
- Q The record further shows that he was a white man with an Indian wife, and that he had one daughter who was married to a man named Samuel McGhee,-- can you show any connection with this man, John Jones, and the man whom you claim was your ancestor? A No sir.
- Q The John Jones whose name appears upon this register had an Indian wife, your father did not have an Indian wife, did he? A No sir, his wife was a white woman.
- Q The man, John Jones, whose name appears upon this register, had one daughter, Polly, whose husband was named Samuel McGhee,-- do you know anything about a sister named Polly, or about Samuel McGhee? A No sir.
- Q So far as you know this John Jones, whose name appears upon this list is not the John Jones who was your father? A No sir.

By Mr. J. G. Palls:

- Q Do you remember your grandmother and grandfather? A Yes sir.
- Q Do you know whether or not either spoke the Choctaw language? A Yes sir, my grandmother, she talked Choctaw a good deal.
- Q Do you remember seeing any Choctaw Indians there in Mississippi where you lived? A Yes sir I can recollect them.
- Q In what county did you live in Mississippi? A Pontotoc.
- Q Did you ever hear your grandmother talking with Choctaw Indians? A Yes sir, I have heard her talk with them sometimes, but then I was small of course, but I can recollect that.
- Q Did you ever hear your grandfather talk Choctaw? A No sir. well, I have heard him too.

George M. Jones-----11.

- Q When your folks left Mississippi in 1848 where had they started to go? A He was coming to the Choctaw Nation, but stopped at Arkadelphia in Clark County, Arkansas, but not to remain very long, he had business back at Benton, near Little Rock, and died before he returned, in a few days.
- Q Do you know Dr. Jones of Hot Springs, Arkansas? A Yes sir.
- Q What relation is he to you? A An own cousin.
- Q Do you know the name of the father of Lewis J. Draper? A Yes sir.
- Q What relation was he to you? A Lewis' father was an own cousin.
- Q What was the name of Lewis' father's father and mother? A John Jones and Elizabeth Jones.
- Q And John Jones mother was Becky Jones, whose maiden name was Becky Box? A Yes sir.
- Q And you think his father's name was Andrew Jolly Jones do you? A Yes sir.
- Q Did your father's appearance indicate that he was part Indian? A Yes sir.
- Q What was the color of his hair? A Black.
- Q His eyes? A I think he had blue eyes.
- Q What was his complexion? A Dark.
- Q You have always been taught that you were descended from the Choctaw race of people? A Yes sir.
- Q Dr. Jones is older than you are? A Yes sir he is older than I am.
- Q Do you know Mrs. Weeks who is here to make application today? A Yes sir.
- Q What was the name of her father and mother? A Willis Jones was her father.
- Q What relation is Willis Jones to you? A An uncle.
- By the Commission:
- Q Do you want to have your case consolidated with the case of Mary A. Sparks, and others of your relatives who claim through the same common ancestor? A Yes sir.

The case of Mary A. Sparks, et al., M.C. R. 5735, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair, somewhat gray, iron gray mustache, blue eyes, medium fair complexion, now tanned by exposure to the sun; he does not understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

W. H. Martin being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 14th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 22 day of August, 1902.

W. H. Martin
Guy L. V. Emerson
Notary Public.

COPY

Muskegee, Indian Territory, January 7, 1903.

George M. Jones,

Alpine, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5738
Ollie Owens,	" 5738
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Poteet, et al.,	" 6208
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Pant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auzs Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora H. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-----3-----

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6137

COPY.

Muskogee, Indian Territory, November 30, 1904.

George M. Jones,
Alpine, Arkansas,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(Sd)

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Aug. 11, 1901

Name George M. Jones.

Age 66

Blood

Y8

Post-Office, Alpine, Ark.

Father: John Jones, d

Mother: Mary E. " d

Claims through
 wife - father
 Emily J. Jones. (d) w.

Children:

Claims for self
 alone

Stenographer W. H. Martin -

Choctaw MCR 6138

John M. Jones

See MCR 5735

MCR 6138

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. August 14, 1908.

6138.

In the matter of the application of John M. Jones for the identification of himself and his two minor children, Jay Houston and Annie Belle Jones, as Mississippi Choctaws.

J. G. Ralls, Attorney for applicants.

John M. Jones being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John M. Jones.
Q What is your age? A Forty-six, will be forty-seven the 11th of next February.
Q What is your post office address? A Mayhew.
Q What state? A In the Choctaw Nation, Jackson County.
Q How long have you lived there? A About twelve years.
Q Where did you live before you lived there? A I lived in Hot Springs.
Q What state or territory? A Arkansas.
Q How long did you live in Hot Springs, Arkansas? A About six months.
Q Where did you live before that? A In Clark County, Arkansas.
Q How long did you live there? A I was raised there.
Q Were you born in Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Andrew Jolly Jones.
Q What was your mother's name? A Polly Ann Jones.
Q Through which parent do you claim Choctaw blood? A My, - I don't know anything about it myself; that old Box I was always taught was my grandmother.
Q Did your father have Choctaw blood or your mother? A My father.
Q How much Choctaw blood do you claim? A I really don't know.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or by the United States authorities? A Not that I know of. My father has been dead a good while.
Q When and where were your father and mother married? A In Mississippi.
Q What place in Mississippi? A Pontotoc county.
Q Do you know what place in Pontotoc county? A No sir.
Q When were they married? A I can't answer that question.
Q Have you the proof of their marriage with you? A No sir, I have not, I wrote for it but did not get it before I left home; I

John M Jones-----8

can get it.

A reasonable time will be allowed this applicant in which to introduce proper proof of the marriage of his father and mother.

- Q Are you married? A Yes sir.
Q What is your wife's name? A Nancy Belle Jones.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Do you make any claim for her as a Choctaw? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name and age of the oldest under twenty-one and unmarried? A Jay Houston.
Q How old is she? A He is about seventeen.
Q What is the name of the next child? A Annie Belle.
Q How old is Annie Belle? A Seven years old.
Q Have you age other children under age and unmarried? A No sir.
Q Is Nancy B. Jones the mother of these two children? A Yes sir.
Q Are you and your wife living together and are these children living with you at your home? A Yes sir.
Q When and where were you married to your wife, Nancy B. Jones? A In Clark County, Arkansas.
Q What date? A This paper gives it. (Presents a paper)
Q The second day of February, 1877, is that right? A Yes sir.
Q Do you want to introduce this certificate as proof of your marriage? A Yes sir.

The marriage certificate of this applicant, John M. Jones and Arabelle Clover is introduced in evidence, received, filed, marked "Exhibit A", and made a part of the records in this case.

- Q Have you any other children who are over age? A I have two.
Q What is the name of the oldest? A Jim E. Jones.
Q Is he married? A Yes sir.
Q How many children has he? A None.
Q What is his post office address? A Mayhew, Indian Territory.
Q What is the name of your other child? A Henry Jones.
Q Is he married? A No sir.
Q What is his age? A Twenty-two.
Q Where does he live? A At home, with me.
Q At Mayhew? A Yes sir.
Q Have either of them made application to be identified as Miss-ississippi Choctaws? A No sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for yourself and children to the Choctaw tribal authorities to be enrolled as members of that tribe? A No sir.
Q Have you ever made application for yourself and children to the Commission to the Five Civilized for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.

John M Jones-----3.

- Q Have you ever made application for citizenship in the Choctaw Nation before today for yourself and children to any authority whatever? A No sir.
- Q Do you come before the Commission at this time to identify yourself and these minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No I don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Danding Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to induce all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to remove from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation east of the Mississippi river article fourteen was drafted and put into the treaty, then the treaty was signed, and afterwards on the 24th day of February, 1831, was ratified. That article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q You understand that article, do you not, well enough to claim under it? A I don't know.
- Q You understand what the article was for,-- for the benefit of these Choctaws who stayed back there in the old Nation, and for their protection under the treaty? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of Article fourteen of that treaty? A I don't know.
- Q Did they go to the United States Indian Agent and declare their intention to remain in Mississippi, or in any way comply with article fourteen of that treaty? A I don't know anything about that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Becky Box, is what I have taught.
- Q What relation was Becky Box to you? A My grandma.

John M Jones-p-1.

- Q What relation are you to George M. Jones, who has made application today to be identified as a Mississippi Choctaw? A Cousin.
- Q Were his father and your father brothers? A Yes sir.
- Q How old would your father be if he were living now? A I really don't know.
- Q Was he older or younger than his brother John Jones? A I suppose he would be about eighty years old.
- Q He was younger than his brother, John? A I really don't know.
- Q He would be eighty years old if living now? A Yes sir.
- Q Where was he born? A I can't tell you.
- Q Did you ever hear where he was born? A No sir, I never heard of it; I think he was born in Mississippi or Alabama one I am pretty sure.
- Q You heard George M. Jones testify a few minutes ago? A Yes sir.
- Q And you heard him tell that he was sixty-six years old? A yes sir.
- Q And was born in Mississippi he said; now if your father was a younger brother of John Jones can't you tell whether he was born in Mississippi or not? A No sir, I can't say where my father was born.
- Q If he was born eighty years ago he was born a few years before the treaty of 1830 was made, don't you know where he was living at that time? A No sir, I don't.
- Q Did he claim his Choctaw blood through his father or mother? A Through his mother.
- Q Was her name Becky? A Yes sir.
- Q Becky Jones? A Yes sir.
- Q What was her maiden name? A Box I have always been told.
- Q How much Choctaw blood did Becky Box have? A I can't tell you.
- Q Did Becky Box, your grandmother live in Mississippi or Alabama in the year 1830? A I can't tell you.
- Q Did you never hear anybody say? A No sir, - I have heard she lived in Mississippi.
- Q Was that in the year 1830? A I don't know.
- Q Do you know whether she was living in the old Choctaw Nation east of the Mississippi in 1830 and had a family of children there then? A No sir.
- Q Can you give the name of any Choctaw ancestor who lived in that old Choctaw Nation in 1830 and had a family there then? A No sir, nothing about it.
- Q Did any of your Choctaw ancestors own any improvements on land either in Mississippi or Alabama in 1830 or any time before that? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1838 and 1848 or 1849? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know a thing about that.

- Q Did any of your Choctaw ancestors ever claim any land or receive any land or any benefits of any kind in Mississippi or Alabama in the old Choctaw Nation under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. And on this account in many instances the land on which the Indians lived and had improvements and which they reserved under said article fourteen was sold by the government at its public land sales, and the Choctaws were deprived of their land. This caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress and Congress in 1837 by an act of Congress approved March 3rd of that year appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed under an act of Congress approved August 23 of that year, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under the provisions of article fourteen of that treaty? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw proved his claim under article fourteen of the treaty of 1830, and if he also further proved that he had had land in the old Choctaw Nation which the government had taken from him and sold that he should be entitled to select land elsewhere either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect would be given him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians from the government? A Not that I know of.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q What relation is Mary A. Sparks to you? A Second cousin.
- Q She has been before the Commission? A Yes sir.
- Q What relation is Ollie Owens to you? A A Third cousin I suppose.
- Q Lewis J. Draper? A Second cousin.
- Q Rebecca Fitzer? A Third cousin.
- Q Andrew J. Draper? A Second cousin.
- Q George M. Jones? A Own cousin.
- Q These have all been before the Commission? A Yes sir.
- Q Do you want to have your case consolidated with the case of Mary A. Sparks and others? A Yes sir.

The case of Mary A. Sparks, et al., M C R 5735, is here referred to for the purpose of consolidation.

John M Jones-----6

- Q Have you any witnesses that you want to call before the Commission at this time? A No.
- Q Have you any other evidence that you want to submit now? A No sir.
- Q Do you want any time in which to introduce other testimony?
- By Mr. Ralls: We would like to have twenty-five days in this case also, we want to take a joint deposition in these cases.
- By the Commission: Twenty-five days time is allowed this applicant from the date hereof in which to submit other proper evidence in support of this application.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything further that you want to state now in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark hair, nearly black; blue eyes, light brown mustache, fair complexion now tanned by exposure to the sun. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1856.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 14th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 17 day of August, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

John M. Jones,

Mayhew, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	M.C.R. 5736
Lewis J. Draper, et al.,	M.C.R. 5562
Rebecca Fitzer,	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.,	M.C.R. 6088
Amanda A. Meeks, et al.,	M.C.R. 6139
Sarah F. Young, et al.,	M.C.R. 6140
Fannie Whatley, et al.,	M.C.R. 6207
Ida Talkington,	M.C.R. 6232
Ada McClurge, et al.,	M.C.R. 6233
John A. Meeks, et al.,	M.C.R. 6198
Martha Potect, et al.,	M.C.R. 6208
Willis M. Meeks, et al.,	M.C.R. 6206
Victoria Blevins, et al.,	M.C.R. 6199
James L. Jones, et al.,	M.C.R. 6097
Joseph C. Jones, et al.,	M.C.R. 6141
Mary Ann Fant, et al.,	M.C.R. 6201
Frances Morgan, et al.,	M.C.R. 6209
Phoebe Meeks,	M.C.R. 6210
Amanda V. Pate, et al.,	M.C.R. 6200
Alex Meeks, et al.,	M.C.R. 6212
Nevada Meeks,	M.C.R. 6211
George M. Jones,	M.C.R. 6137
John M. Jones, et al.,	M.C.R. 6138
James Edward Jones,	M.C.R. 6193
Henry M. Jones,	M.C.R. 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles F. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William H. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

T. J. Dwyer

Acting Chairman.

Muskogee, Indian Territory, October 31, 1903.

John M. Jones,
Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing letter of the Commission of the 9th instant, which was in answer to your communication of September 1, 1903, asking that certain land described therein be reserved as your allotment.

The information furnished in your last communication has enabled us to locate your name upon our records as an applicant for the identification of yourself and two minor children as Mississippi Choctaws.

On January 7, 1903, the Commission rendered its decision refusing your application, and on January 23, 1903, the record in your case, together with the decision of the Commission, was forwarded the Secretary of the Interior. No notice of departmental action thereon has been received up to the present time. As soon as the Commission is informed of the decision of the Secretary you will be duly notified.

Relative to reserving certain lands for you in the Choctaw-Chickasaw country as your allotment, you are informed that it

J M J 2

is not believed that yourself and children are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The letter enclosed by you is herewith returned.

Respectfully,

Commissioner in Charge.

MoM 39

M C R 6138

Muskogee, Indian Territory, August 12, 1904.

John M. Jones,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask if any final action has been taken in the matter of your application for identification as a Mississippi Choctaw.

In reply you are informed that on January 23, 1903, the record in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al., of which your application is a part, together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action in this case. When this office is informed of the decision of the Secretary of the Interior you will be promptly notified.

Respectfully,

Commissioner in Charge.

M.C.R. 6138

COPY.

Muskogee, Indian Territory, November 30, 1904.

John M. Jones,

Mayhaw, Indian Territory.

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name John M. Jones

Age 46 Blood don't know.

Post-Office, Mayhew, I.T.

Father: Andrew J. Jones, d

Mother: ^{Polly} ~~Mary~~ Ann " — d

Claims through father —
 wife. Nancy B. Jones, l.w.
 No claim for wife.

Children:

Jay Houston Jones, 17
 Annie Belle " 7

Claims for self
 and 2 minors.

Stenographer W. H. Martin

Choctaw MCR 6139

Amanda A. Meeks

See MCR 5735

MCR 6139

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 14, 1902.

#3139.

In the matter of the application of Amanda A. Meeks for the identification of herself and her two minor children, Calvin and Rebecca Meeks, as Mississippi Choctaws.

J. G. Ralls, Attorney for Applicants.

Amanda A. Meeks being first duly sworn testifies as follows:

Examination by the Commission.

- Q Your name is Amanda A. Meeks? A Yes sir.
Q What is your age? A Sixtyfour.
Q What is your post office address? A New Hope,
Q Where? A Pike County, Arkansas.
Q How long have you lived at New Hope? A About twenty years I reckon.
Q Where did you live before you lived at New Hope? A Right there in that neighborhood nearly ever since I was born.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Pontotoc County.
Q How old were you when you left Mississippi? A I don't know as I can tell you exactly, but I was not grown.
Q Were you a girl then? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Willis Jones.
Q What is your mother's name? A Jones.
Q What is her full name? A Mary Jones.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know hardly.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I don't reckon he has.
Q Where were your father and mother married? A In Mississippi I reckon, well I know they were.
Q Where in Mississippi? A In Pontotoc County.
Q Do you remember the date? A No sir.
Q Have you the proof of that marriage with you now? A No, I ain't got it.
Q Were they married by a minister under a license? A I can't tell, I reckon they were.
Q You don't know? A No sir.

A reasonable time will be allowed this applicant in which to

Amanda A. Meeks-----2

introduce proof of the marriage of her father and mother.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A Jesse Meeks.
- Q Is Jesse Meeks a white man or Indian? A A White man.
- Q Is he living now? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Give me the name of your oldest child under twenty-one years of age and unmarried for whom you want to make application for? A Calvin Meeks.
- Q How old is Calvin? A Twenty.
- Q What is the name of the next child? A Rebecca.
- Q How old is Rebecca? A Eighteen.
- Q Is that all you have under age and unmarried? A Yes sir.
- Q You claim for yourself and these two children, do you? A Yes sir.
- Q Is your husband, Jesse Meeks, the father of these two children? A Yes sir.
- Q Are you and your husband living together as husband and wife, and are these children living with you both at your home? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application either for yourself or children to the Choctaw tribal authorities to be enrolled as members of that tribe? A No sir.
- Q Did you or anyone for you or for your children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Yes sir, I think there was some papers sent, that was all.
- Q In 1896? A Somewheres right about there.
- Q Did you make application in person before the Commission? A No sir.
- Q Did anyone make application for you in person before the Commission? A No sir, just some papers that was sent up, and there was nothing done, we never heard from them.
- Q Who sent the papers, did you have a lawyer? A No sir.
- Q Then no personal application was made by you or for you or for any of your children? A No sir, I reckon not.
- Q And did you ever hear from the papers that you sent the Commission, ever hear from the Commission in regard to them? A No sir.
- Q What were these papers that you sent, were they made out by an attorney? A No sir, I don't reckon they were.
- Q Were they papers with reference to your claim as a Mississippi Choctaw or a Choctaw Indian by blood? A Yes sir.
- Q Which, Choctaw Indian by blood? A I reckon so.
- Q Who were they addressed to? A I don't know.
- Q Dawes Commission? A They must have been.
- Q You don't know anything about it do you? A No sir, I don't.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself and your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation in the Indian Territory, except that you sent those papers some time in 1896? A No sir.

- Q No personal appearance was ever made for yourself or your children was there? A No sir.
- Q Do you now come before the Commission for the purpose of claiming rights as a Choctaw Indian for yourself and your children under article fourteen of the treaty of 1830? A Yes sir, I don't understand that article.
- Q Do you now want to be identified together with your children as Mississippi Choctaw Indians? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't know.
- Q Did you ever hear of article fourteen of that treaty? A No sir, I don't know that I ever did.
- Q Do you know whether you claim under that article or not, or under the whole treaty or not? A No sir, I don't know.

Article fourteen was put into the treaty of 1830, some times called the treaty of Dancing Rabbit Creek, for the especial benefit of the Mississippi Choctaw Indians who remained back in the old Choctaw Nation, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the general provisions of the treaty of 1830. That treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of 1830, and was made for the especial purpose of removing all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory, but before the treaty was signed it became known that a great many of the Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and for their protection article fourteen was put into the treaty. It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Box I reckon.
- Q What is the full name? A Becky Box.

- Q Was that her maiden name? A Yes sir.
- Q What was her husband's name? A Jones.
- Q Do you remember his given name? A Andrew Jolly Jones.
- Q Did Andrew Jolly Jones have any Choctaw blood? A That is what I have always been taught.
- Q Andrew? A No, not him, Becky.
- Q What was Andrew's blood? A I don't know.
- Q Was he a white man or an Indian? A I can't tell you, I don't know.
- Q How much Choctaw blood did Becky Box have who married Andrew Jolly Jones? A I can't tell you that.
- Q What relation was she to you? A She was my great grandmother I reckon.
- Q Now then, you claim that Becky Box was what relation to you? A She was my grandmother.
- Q Do you know when she married Andrew Jolly Jones? A No sir, I don't.
- Q Do you know where she married him? A No sir, I can't tell you that.
- Q Do you know when and where she was born? A No sir, not unless she was born in Mississippi.
- Q Do you know when and where she died? A She died in Arkansas.
- Q When did she die in Arkansas? A I don't know as I can tell exactly the time, a good while ago.
- Q How old would she be if living now? A She would be way over a hundred years old, she was getting old when she died, she died before the war and was old then.
- Q Did she live in Mississippi or Alabama in that portion of either state known as the old Choctaw Nation in the year 1830? A I reckon she lived in Mississippi then.
- Q Did she have a family of children living with her there at that time, in other words, was she the head of a family there then? A I don't know as I can tell you that.
- Q What makes you think she lived in Mississippi in 1830? A As far back as I can recollect she lived there but I don't know if it was that far back or not.
- Q Did your father Willis Jones live in Mississippi at any time? A Yes sir, he lived there among the Indians, I have heard my mother tell a heap about him.
- Q How old would your father, Willis Jones, be if he were living now? A Close to a hundred years old.
- Q Was he living in Mississippi in 1830? A I reckon he was.
- Q Did he have a family there then? A I can not tell you whether he did or not.
- Q Do you know when he was married? A No sir I don't, the records have all been destroyed, burnt up in time of the war.
- Q You are now sixty-four, are you? A Yes sir.
- Q You were born in 1838, were you? A No sir, in '41.
- Q If you are now sixty-four you were born in 1838? A There is certainly a mistake there then.
- Q You say you are sixty-four? A That's what I thought I was.
- Q Well, sixty-four subtracted from 1902 makes it 1838 when you were born, and you say you are sixty-four now, do you want to change that? A That I ain't sixty-four?
- Q Yes, do you want to change the age or is sixty-four right? A That is the way I have had it all the time.
- Q If you were born in 1838 you were born in Mississippi, were you not? A Yes sir.
- Q And were born eight years after the treaty of 1830, did you have any older brothers or sisters? A Yes sir.

Amanda A Hooks-----5

- Q Did you have any that were over eight years older than you?
A I had some but they are dead.
- Q Were they eight years older than you? A I can't tell you.
- Q What did you think about it? A I expect one maybe was that much older, I expect he was, I won't be certain.
- Q Was he born in Mississippi? A Yes sir.
- Q Do you think your vather was married and living in Mississippi in 1830 when that treaty was made? A He was there, I have heard him say he was; I have heard my mother tell about him killing an Indian in Mississippi, and that is the reason he did not go with them, they got mad at him, and I heard my mother tell about how she got out of the way of them.
- Q What is your recollection of his living there in 1830 and having a family there then? A He was married then when he killed that Indian.
- Q Do you think he killed that Indian in 1830 or before that time?
A I can't tell you what year, but I have heard him say he killed him.
- Q Where did your father live before he lived in Mississippi? A I don't know as I recollect anything about that, where he lived.
- Q Don't know whether he lived in Alabama, Kentucky, or any other state, did he always live as far as you know in Mississippi? A As far as I have heard he lived in Mississippi.
- Q Is it a matter of family history or family talk that he lived in Mississippi in 1830, and some time before that? A As far as I know it was.
- Q As far as you can testify and recollect now did he have a family back there at the time of the treaty? A I know he did then.
- Q Then he was living and had a family in 1830 was he? A If that was the year of the treaty he was.
- Q What you mean to testify is that your father was living in Mississippi and married and had a family there at the time of the treaty of 1830 or the treaty of Dancing Rabbit Creek, as it is some times called? A Yes sir.
- Q Then your father, Willis Jones, is the ancestor through whom you are now claiming is he not? A Yes sir.
- Q And he claimed through Becky Box? A Yes sir.
- Q How much Choctaw blood did your father, Willis Jones, have?
A I can't tell you, I never heard him say, and of course I would have to go by what I have heard, I was small.
- Q Could he speak the Choctaw language? A I can't tell you but I expect he could.
- Q But you don't know? A No sir, not for certain, I guess he could, I don't know whether he could or not.
- Q Did he have a Choctaw Indian name? A I don't know.
- Q Did he comply or attempt to comply in any way with the provisions of article fourteen of the treaty of Dancing Rabbit Creek?
A I don't know anything about that.
- Q Can you tell in what year he was born? A No sir, I can't., the Bible that had the names in it was destroyed in time of the war.
- Q Do you know where he died? A Yes sir, at Little Rock, Arkansas.
- Q Can you give the year of his death? A I think the year peace was made.
- Q Was he recognized as a Choctaw Indian in Mississippi? A I can't tell you.
- Q Did he or any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation

- under article fourteen of the treaty of 1830? A He claimed land, owned land when we moved away from there and had been ever since I recollect.
- Q Did he get it from the government? A I don't know whether he did or not, I know he owned land there? A
- Q How much land? A I can't tell you.
- Q Where did he own it? A In Pontotoc County, on Tallahatchie river, I believe.
- Q You don't know whether he got it from the government or not?, as an Indian? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors, your father or anybody else who was your ancestor, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know whether they did or not.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I can't tell you that.
- Q Did you ever hear that your father, or any other ancestor of yours claiming to have Choctaw blood, received any land from the government of the United States as Indians and beneficiaries under article fourteen of the treaty of 1830? A No sir.

According to the provisions of article fourteen of the treaty of 1830 those Indians who stayed back in the old Choctaw Nation east of the Mississippi river after that treaty was ratified, if they wanted to take advantage of article fourteen of that treaty were obliged to go to the United States Indian Agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, and also in 1842 by an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Both of these commissions made lists of the names of all those who appeared before them, and some of these lists of names were approved and they afterwards received their land and the others were disallowed.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.

The act of Congress approved August 23rd, 1842, provided that in case it was finally determined that a Choctaw had complied with all of the provisions of article fourteen of the

Amanda A Weeks-----7

treaty of 1830, if it also appeared that he had had land in the old Choctaw Nation east of the Mississippi river which the government had taken from him and sold, that he might select land elsewhere either in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I can't tell you a thing about that, I don't know.
- Q What relation is Mary A. Sparks to you? A Second cousins I reckon, me and Lewis were second cousins.
- Q What relation is Ollie Owens to you, is she any relation to you? A If it is one of Lewis Draper's girls she is.
- Q What relation is Lewis J. Draper to you? A First cousin.
- Q What relation is Rebecca Fitzer to you? A I don't know, he moved off out here and they have been marrying off,--
- Q What relation is Andrew J. Draper to you? A First cousin.
- Q What relation is George M. Jones to you, if any? A Yes sir, he is a relation of mine, me and him are cousins.
- Q What relation is John M. Jones to you? A Just the same, first cousins.
- Q Now, these people have all made application to be identified as Mississippi Choctaws have they? A Yes sir.
- Q Do you want to have your case consolidated with the case of Mary A. Sparks, et al?

By Mr. Ralls, attorney for applicant: Yes sir.

By the Commission: The case of Mary A. Sparks, et al., M C R 5735, is here referred to for the purpose of consolidation.

- Q Have you any other evidence that you want to introduce now in support of this claim? A No sir.
- Q Do you want any time in which to introduce other testimony?

By Mr. Ralls: We would like the same time as in the other cases, twenty-five days.

By the Commission: Twenty-five days time from the date hereof is allowed this applicant in which to present proof in support of this application, if presented under the rules of the Commission.

- Q Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark brown hair; medium fair complexion, somewhat tanned by exposure to the sun; she does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

Amanda A Weeks

F. E. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 14th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in the same.

F. E. Martin

Subscribed and sworn to before me this 17 day of August, 1902.

Guy L. V. Emerson
Notary Public.

COPY

Muskogee, Indian Territory, January 7, 1903.

Aminda A. Weeks,

Now Hope, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5862
Rebecca Fitzor	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5863
James L. Draper, et al.	M.C.R. 6088
Aminda A. Weeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whalley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Weeks, et al.	M.C.R. 6198
Martha Potest, et al.	M.C.R. 6208
Willis M. Weeks, et al.	M.C.R. 6306
Victoria Blewins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6200
Phoebe Weeks	M.C.R. 6210
Amanda V. Pace, et al.	M.C.R. 6200
Alex Weeks, et al.	M.C.R. 6212
Nevada Weeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

Amanda A. Meeks.--2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Amice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Ann W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora E. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Len E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gastie Young, Kelsey Young, Luer Young, Viola Young, Fannie Whitley, Edgar A. Whitley, Ivin C. Whitley, Vestie Whitley, Lmie Whitley, Ida Talkington, Ada McClurg, Arthur McClurg, John A. Meeks, Walter Meeks, Martha Potot, Hattie E. Potot, Hattie Potot, Minnie Potot, Erma Potot, Ernest Potot, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Ausa Blevins, Annie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Editha Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Bolo Jones, Joseph C. Jones, Ellie Jones, Birdie May Jones,

Amanda A. Meeks,—3

Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora M. Fant, Frances Morgan, Dewey Allen Morgan, Phoebie Meeks, Amanda V. Pate, Otho W. Pate, Vesta E. Pate, Alex Meeks, Florence Meeks, Baulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be referred, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6139

COPY.

Muskogee, Indian Territory, November 30, 1904.

Amanda A. Meeks,

New Hope, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Aug 14, 1902

Name Amanda A. Meeks

Age 64 - Blood don't know.

Post-Office, New Hope, Ark.

Father, Willis Jones. d

Mother, Mary Jones. l

Claims through father
husband Jesse Meeks, w. l.No claim for
husband - -

Children:

Calvin Meeks. 20

Rebecca " 18

Claims for self
and 2 minors -

Stenographer

W. H. Martin.

Choctaw MCR 6140

Sarah F. Young

See MCR 5735

MCR 6140

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., August 14, 1908.

5143.

In the matter of the application of Sarah F. Young for the identification of herself and her ten minor children, Allen, Louisa M., Onie, Jesse B., Rebecca J., Clayton, Quatie, Kelsey, Elmer and Viola Young, as Mississippi Choctaws.

J. G. Ralls, Attorney for applicants.

Sarah F. Young being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Sarah F. Young.
Q What is your age? A Forty-two.
Q What is your post office address? A Coalgate, Indian Territory.
Q How long have you lived at Coalgate? A Five years.
Q Where before that? A In Arkansas.
Q Where were you born? A I was born in Arkansas.
Q At what place in Arkansas? A Pike County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Williams.
Q What is your mother's name? A Amanda A. Meeks.
Q Are Calvin Meeks and Rebecca Meeks her children by Jesse Meeks?
A Yes sir.
Q Your mother, Amanda A. Meeks, is married to Jesse Meeks? A Yes
sir.
Q And before she married Jesse Meeks she was married to your
father, John Williams? A Yes sir.
Q Jesse Meeks is her second husband? A Yes sir.
Q Are you the only child your mother had by John Williams? A Yes
sir.
Q All the rest of her children are by Jesse Meeks? A Yes sir.
Q Do you claim your Choctaw blood through your father or mother?
A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Are you married? A Yes sir.
Q Has your mother ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in the Indian Territory? A No sir.
Q What is your husband's name? A Silas S. Young.

Sarah F. Young-----2

- Q Is he a white man or an Indian? A White man.
- Q He is now living? A Yes sir.
- Q Do you make any claim for your husband? A No sir.
- Q You don't claim that he has any Choctaw blood and don't want to try to have him identified as a Mississippi Choctaw? A No sir.
- Q Give me the names of your children under twenty-one years of age and unmarried, beginning with the oldest? A Allen Young, he is twenty.
- Q The name of the next younger than Allen? A Louisa M., she is 18.
- Q Not married? A No sir.
- Q Next one? A Onie.
- Q Is that a girl? A Yes sir, seventeen.
- Q The next? Jesse B., fifteen, Rebecca J., thirteen, Clayton, eleven, Gustie.
- Q Is Gustie a girl or boy? A Girl, nine.
- Q The next? A Kelsey.
- Q A boy? A Yes sir, seven.
- Q The next? A Elmer, five, and Viola, two.
- Q Is that all? A Yes sir.
- Q Do you make application for yourself and these minor children? A Yes sir.
- Q Is Silas S. Young the father of these children? A Yes sir.
- Q Are you and your husband living together as husband and wife and these children living with you at your home? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you or anyone for you or for your children ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or anyone for you or for your minor children in the year 1896 make application to the Commission to the Five Civilized tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A Not that I know of, no sir.
- Q Have you or any one of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application for yourself and children before this time to be admitted or enrolled as citizens of the Choctaw Nation to either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A You will have to tell that to me again.
- Q Do you want to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you make that claim under article fourteen of the treaty of 1830? A Well, I don't know.
- Q Do you understand that article? A No sir, I don't.
- Q Do you know what a treaty is? A No sir.
- Q Do you know what a contract or agreement is between two or more people? A I think I do.
- Q Suppose a man wants you to pick cotton for him, and he agrees to give you certain wages, suppose you put it in writing and sign your names to it, that is an agreement in writing is it not? A That's what I would call it.

A treaty is the same thing exactly, an agreement in writing made between two or more nations instead of between two or more people, they call that a treaty because it is made between nations instead of people. Now, in that year, 1830, a treaty or an agreement was made between the United States government and the Choctaw tribe of Indians, two nations. That treaty or agreement was made for the purpose of getting the consent of the Choctaw Indians to go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory; they could not have removed them without their consent, and by making the treaty they agreed to go. All but a certain number of the Choctaw Indians, who said they would not go and would not become a party to that agreement. In order, therefore, to protect the interests of those Indians who would not go article fourteen was put into the treaty of 1830; an article in a treaty is just a part of the treaty. Then the treaty was signed and afterwards ratified later on on February 24th, 1831. Now, article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child, which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand the 14th article of that treaty was to protect the interests of those Indians who stayed back in the old Nation, you understand that do you? A Yes sir, I reckon.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply in any way with the provisions of article fourteen of the treaty of 1830,-- did they do any of the things stated in that article to be done? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Box.
- Q What is the full name? A Becky Box, is all I know.
- Q Whom did she marry? A Jones.
- Q Do you know his full name? A No sir.
- Q Was she a Choctaw Indian? A Yes sir.
- Q What relation was she to you? A My great grandmother.
- Q Did she live in Mississippi in 1830, or in Alabama? A I don't know.
- Q Can you give the name of any ancestor of yours who had Choctaw blood who lived in Mississippi or Alabama in 1830 and who was the head of a family there then? A No sir.

- Q You are forty-two now? A Yes sir.
- Q How old is your mother now? A I don't remember how old she is.
- Q Did you hear her testify here a little while ago? A No sir.
- Q She gave as her age sixty-four, do you know anything about it? A No sir, I don't.
- Q She also testified that her father, Willis Jones, through whom she claims her Choctaw blood lived in Mississippi in 1830, and was married and had a family there then, do you know anything about that? A No sir, I don't.
- Q Do you know whether your ancestor who had Choctaw blood is your grandfather, Willis Jones, or your great grandmother, Becky Box? A No sir.
- Q Do you know whether either Willis Jones or Becky Box, who married Andrew Jolly Jones, lived in Mississippi in 1830 and was the head of a family there then? A No sir.
- Q Do you know which one did live in Mississippi and was the head of a family there at that time? A No sir.
- Q You never heard your mother say? A No sir.
- Q You did not hear your mother's testimony given before the Commission a half hour ago? A No sir, I never heard it.
- Q You then have no knowledge of any Choctaw ancestor who did live in Mississippi or Alabama in the old Choctaw Nation east of the Mississippi river when the treaty of Dancing Rabbit Creek was made? A No sir.
- Q Have you testified to all that you know with reference to that matter? A Yes sir.
- Q Were any of your ancestors recognized in the old Choctaw Nation east of the Mississippi river as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1831? A I don't know anything about it.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did you ever hear that your grandfather, Willis Jones, or your great grandmother, Becky Box, or any of your Choctaw ancestors ever received any land or claimed any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.

By the provisions of article fourteen of the treaty of 1830, those Choctaw Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register", and as a result of his neglect to do so a great many Indians who had land in Mississippi upon which they had improvements lost both their lands and improvements, the government took them and sold them at its public land sales. This caused a great deal of com-

plaint among the Choctaw Indians, and as a result of the complaint that was made Congress appointed a Commission in 1837, by an act of Congress approved March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission under an act of Congress approved August 23rd of that year, and this Commission went to Mississippi also and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of those two Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A Not that I know of.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, where it further appeared that he had had land taken from him in the old Choctaw Nation by the government and sold, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and a certificate to that effect would be given to him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government as Choctaw Indians? A I don't know.
Q Do you want to have your case consolidated with the case of Mary A. Sparks, et al., M. C. R. 5735? A Yes sir.
Q Was she a relative of yours? A Yes sir.
Q And she claims through the same common ancestor? A Yes sir.

The case of Mary A. Sparks, et al., M. C. R. 5735, is here referred to for the purpose of consolidation.

- Q Do you want your case consolidated with the cases of Ollie Owens, Lewis J. Draper, Rebecca Fitzer, Andrew J. Draper, George M. Jones, John M. Jones, and Amanda A. Meeks? A Yes sir.
Q These are all relatives of yours? A Yes sir.
Q And all claim through the same common ancestor? A Yes sir.
Q You want to have your case consolidated with theirs under the head of Mary A. Sparks, et al.? A Yes sir.
Q Have you any evidence that you want to introduce at this time? A No sir.
Q Do you want any time in which to introduce other testimony? A Yes sir.

Twenty-five days time is allowed this applicant in which to introduce other testimony in support of this application.

- Q You say you have three children that are over twenty-one years of age? A Yes sir.
Q What is the name of the oldest? A Fannie Whatley.
Q What is her husband's name? A Wesley.
Q Where do they live? A In Arkansas.
Q What post office? A Daisy is their post office.
Q Have they any children? A Yes sir, they have four.
Q Can you give the names of these children? A I can of the two oldest but not of the other two, Ollie and Carl.
Q What are the names of the others, Vestie and Erie, is that

Sarah F Young-----5

right? A I can't tell you, I have never seen the children and they have never written me what the babies names are.
Q Give me the name of the next child of yours over twenty-one?
A The next two are twins, twenty-three years old.
Q Girls? A Yes sir.
Q What is the name of one of them? A Modlurge, Ada Modlurge.
Q And her husband's name is what? A Charlie.
Q What is their post office? A Jeff, Indian Territory.
Q Have they any children? A One.
Q What is its name? A Arthur.
Q How the name of the other twin? A Ida Talkington.
Q How do you spell that? A T-a-l-k-i-n-g-t-o-n.
Q What is her husband's given name? A Andrew.
Q What is their post office address? A Conway, Indian Territory.
Q Have they any children? A No sir.
Q Is there anything further that you want to say in support of this claim? A No sir.
Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; light brown or hazel eyes; medium fair complexion. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 14th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 14 day of August, 1902.

Guy L. V. Emerson
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 14, 1902.

#6140.

In the matter of the application of Sarah F. Young for the identification of herself and her ten minor children, Allen, Louisa M., Onie, Jesse B., Rebecca J., Clayton, Gustie, Kelsey, Elmer and Viola Young, as Mississippi Choctaws.

J. G. Ralls, Attorney for applicants.

Jesse L. Meeks being first duly sworn testifies with reference to this application as follows:

Examination by the Commission.

- Q What is your name? A Jesse L. Meeks.
Q What is your age? A Nearly seventy.
Q What is your post office address? A New Hope, Arkansas.
Q What is your occupation? A Farmer.
Q How long have you lived in Arkansas at this place? A Going on forty-five years.
Q Where were you born? A In Alabama.
Q Are you a white man? A Yes sir, I pass for one.
Q Are you the husband of Amanda A. Meeks? A Yes sir.
Q She has made application has she not to be identified as a Mississippi Choctaw? A Yes sir.

By Mr. J. G. Ralls, attorney for Applicants:

- Q Give me the names of the children you have by this marriage with Amanda A. Meeks that are over twenty-one years of age? A I have a list of the names here, Sarah Young is the oldest one.
Q Is that your own daughter? A Yes sir, one of my oldest, and Andy Meeks.
Q How old is he? A Thirty-seven.

By the Commission:

- Q Did you say Sarah F. Young was your daughter? A Yes sir.
Q She gave her father's name as John Williams? A She has always been claimed as my own child.

By Mr. Ralls:

- Q She is your step-daughter, is she? A Yes sir.
Q Your next child was Andrew Meeks age thirty-seven? A Yes sir.
Q And your next one is? A William Silas Meeks, thirtyfour.
Q What is the next one? A John Allen Meeks, thirty-two.
Q The next one? A Martha Poteet, thirty.
Q The next one? A Willis Meeks, twenty-eight.
Q The next one? A Victoria Blevins, twenty-five, and Joseph Meeks, twenty-two.
Q Is that all over twenty-one years old? A Yes sir.
Q Do you know Rebecca Bax? A Yes sir.

Jesse L. Heekin-----2

- Q When did you first get acquainted with her? A When I first came to Arkansas in '56.
- Q Did you know her husband? A No sir, he was dead when I got acquainted with the family.
- Q You did not know them in Mississippi? A No sir, I knew some of the Joneses.
- Q What Jones did you know in Mississippi? A My father-in-law, Willis, Andrew Jolly, and old uncle Bob Jones, all brothers.
- Q What nationality of people were they? A I have always been told there was Indian blood in the Jones family.
- Q Do you know where they lived in Mississippi? A Yes sir.
- Q What county? A Pontotoc County, close to Rocky Ford on Tallahatchie river.
- Q Do you know whether they owned any improvements there? A No sir I don't; of course they had land when I got acquainted with them but I don't know how they come by it.
- Q Do you know Mr. Jones, who has appeared and made application here today? A George M. Jones, yes sir.
- Q Did you know him in Mississippi? A No sir, not until he came to Arkansas.
- Q Did you know his father? A No sir, I never saw his father.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 14th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 12 day of August, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

Sarah F. Young,

Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitner	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5568
James L. Draper, et al.	M.C.R. 6088
Aminda A. Meeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Poteet, et al.	M.C.R. 6208
Willis M. Meeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

Sarah F. Young,--2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Haudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Anza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan,

Sarah F. Young,—3

Phoebe Meeks, Amanda V. Pate, Otha W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James E. [illegible]

Acting Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6140

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

Sarah F. Young,

Coalgate, Indian Territory,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name Sarah F. Young.

Age 42

Blood

1/16

Post-Office, Coalgate, I. T.

Father: John Williams, d

Mother: Amanda A. Meers l

Claims through Mother

Husband, Silas S. Young, w. l.

No claim for husband.

Children:

Allen		
Allen Young,		20
Louisa M. "		18
Onie	" F.	17
Jesse B "		15
Rebecca J. "		13
Clayton	"	11
Gustie	" F.	9
Kelsey	" M	7
Elmer	"	5
Viola	"	2

Claims for self & 10 minors.

Stenographer

W. H. Martin



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

JAN 7 1961

CHAPMAN

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCOE, IND. TER.



Saran F. Young,

Coalgate, India Ter.

Choctaw MCR 6141

Joseph C. Jones

See MCR 5735

MCR 6141

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 14, 1902.

In the matter of the application of Joseph C. Jones for the identification of himself and his two minor children Ellis and Birdie May Jones as Mississippi Choctaws.

Joseph C. Jones being first duly sworn testified as follows:
(Applicant represented by J. G. Hall, Attorney)
Examination by the Commission:

- Q What is your name? A Joseph C. Jones.
Q What is your age? A Twenty five.
Q What is your post office address? A Lone Star Arkansas.
Q How long have you lived there? A I lived there twenty five years.
Q Were you born there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A James L. Jones.
Q What was your mother's name? A Susie.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One sixteenth.
Q Have you the proof of the marriage of your father and mother with you? A I haven't it with me; I suppose it is here; he got it up; he's been here and made application for himself and he sent his proof here.
Q Has James L. Jones made application to be identified as a Mississippi Choctaw? A Yes sir.
Q When did he appear before the Commission? A It's been about two weeks; I don't exactly know the date.
Q Are you married? A Yes sir.
Q What's your wife's name? A Dole Jones.
Q How do you spell it? A D-o-l-e.
Q Is she a white woman or Indian? A White woman.
Q Is she living? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for under twenty one years of age and unmarried? A Yes sir.
Q Give the name of the eldest? A Ellis.
Q E-l-l-i-s? A Yes sir.
Q How old is Ellis? A Five years.
Q Boy? A Yes sir.
Q What is the name of the next? A Birdie May.
Q B-i-r-d-i-e? A Yes sir.
Q How old is she? A Two.
Q Is your wife Dole the mother of these children? A Yes sir.
Q Are you and your wife living together now and the children living with you? A Yes sir.
Q Have you the proof of the marriage of yourself and Dole Jones? A Yes sir I have a marriage certificate.
Q Is this the original? A Yes sir.

The original marriage license and certificate of marriage of J. C. Jones and Miss Dole R. Richmond presented by applicant, received filed marked exhibit A and made a part of the record in this case.

Joseph C. Jones--2.

Q Is J.C. Jones in this marriage license intended for your name?

A Yes sir.

Q J.C. Jones is identical with yourself Joseph C. Jones?

A Is your name of the names of your children on any of the tribal rolls or the Choctaw Nation in Indian Territory?

A Why my father registered my name when he was here.

Q When was that? A About two weeks ago.

Q Your father registered your name? A He gave my name in.

Q That isn't the question; the question is: Is your name or the names of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you or anyone for you or for your minor children make application to the Choctaw tribal authorities in the Indian Territory to be identified as members of that tribe; you never sought to be enrolled did you by making application to the Choctaw tribal authorities? A No sir.

Q Did you or anyone for you or for your children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship under the act of Congress approved June 10, 1896? A No sir.

Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws?

A Yes sir.

Q You claim under article fourteen of the treaty of 1830?

A Yes sir.

Q You understand that article? A Yes I believe I do.

Q You don't care for a further explanation of it? A No sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of that state for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Joseph C. Jones — 3.

- Q Do you know whether any of your ancestors having Choctaw blood complied or attempted to comply with any of the provisions of that article? A No sir; I don't know whether they did or not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Rebecca Box.
- Q Who did she marry? A She married a Jones.
- Q What was the full name? A Andrew Jelly.
- Q Was he a white man? A I suppose he was; I don't know.
- Q How much Choctaw blood did Becky Box have? A As near as I have been informed I think she was about half.
- Q Rebecca Box is the same as the Becky Box that these other applicants mentioned? A Yes sir.
- Q Did she have a Choctaw Indian name? A Yes sir I suppose so.
- Q What was it? A Bo-o-pi.
- Q Do you know that that was an Indian name? A No sir I don't know that it was; I have only been informed.
- Q Do you know whether she spoke the Choctaw language or not?
- A No sir; I don't think she did; I've heard my grandmother say she didn't.
- Q Who was your grandmother? A Her name was Mary Jones.
- Q Was she a daughter of Becky Box? A No sir; her husband was a son of Becky Box.
- Q What was her husband's name? A Willis Jones.
- Q What is the name of your ancestor who lived in Mississippi and Alabama in the old Choctaw Nation in 1830? A It was Becky Box.
- Q She lived there in 1830 did she? A Yes that's my understanding.
- Q Did she have a family of children living there then?
- A Yes sir - that's my understanding - she did.
- Q What relation was Becky Box to you? A Great grandmother.
- Q How old is your father James L. Jones. A I don't know his age.
- Q Where was he born? A I don't know whether he was born after they came to Arkansas or just before; it wasn't long from the time; I don't know the date.
- Q He claimed through whom - his father or mother?
- A He claimed through his father.
- Q What was his name? A Willis Jones.
- Q Did Willis Jones live in Mississippi? A Yes sir.
- Q When did he live there? A He lived there about the time the treaty was made - in '32; I don't know how long before.
- Q You said he lived in Mississippi in 1830 when that treaty was made? A Yes sir - about that time.
- Q Did he have a family living then? A Yes sir.
- Q Did he comply with article fourteen of the treaty of 1830?
- A I can't tell you whether he did or not.
- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A No sir not that I know of.
- Q You think Willis Jones your grandfather lived in Mississippi in the old Choctaw Nation in 1830 and was head of a family then? A I've heard my grandmother talk about it a heap.
- Q You have heard your grandmother say that Willis Jones your grandfather lived in the old Choctaw Nation east of the Mississippi river and had a family living there at that time.
- A Yes sir.
- Q Did he derive his Choctaw blood from his mother Becky Jones whose maiden name was Box? A Yes sir.

- Q Did Willis Jones your grandfather or any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830 or 1830?
- A Well I've heard my grandmother speak about their home in Mississippi.
- Q Do you know whether they owned that home or not?
- A No sir I don't know that they did.
- Q Do you know whether he got that from the government or not?
- A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A No sir; I don't know it; my grandfather came to Arkansas.
- Q Willis Jones? A Yes sir, and stopped and came over to the Indian territory but didn't move out; made several trips out.
- Q What year? A I can't say what year that was; I've heard my grandmother tell about him coming out and the Indians coming home with him.
- A Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, Colonel Ward and tell him that they wanted to stay in Mississippi take land and become citizens of the states? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors ever claim any land or receive any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A Not that I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact signify to him their intention to remain in Mississippi and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; on this account in many instances the land on which Choctaws had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales; this action of the government caused a great many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act which was approved March 3, 1837 providing for the appointment of a commission; this commission went to Mississippi and heard claims under article fourteen of the treaty of 1830; by an Act of Congress approved August 23, 1842 a second commission was appointed which went to Mississippi and heard claims under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had

Joseph C. Jones 5.

been sold by the government he should be entitled to select land elsewhere in the states of Mississippi or in Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any scrip from the government of the United States under this act of Congress? A I cant say whether they ever received any or not; I've heard my grandmother talk about the scrip but I cant tell whether they received it or how they come by it.
- Q Did you ever hear that your grandfather Willis Jones ever received any scrip from the government? A No sir.
- Q Did you ever hear positively that Becky Box did? A No sir.
- Q You haven't any proof of their having received any land scrip? A No sir; all I know is what I've heard my grandmother say about them having some of the scrip.
- Q What is her name? A Mary Jones.
- Q Wife of who? A Willis Jones.
- Q Tell me exactly what she said? A I dont know that I can tell you the exact words; I've heard her speak about the scrip they used to issue to the Choctaws.
- Q What do you think that scrip was - money? A I dont know what it was.
- Q You dont know whether it was money or not - who issued it - did you ever hear? A No sir; if I did ; I dont remember
- Q Was it issued to all the Indians- do you know? A No sir. I dont know whether it was or not.
- Q This scrip was a certificate issued by the Commission of 1832 which enabled the holder to select lands in Mississippi Alabama Louisiana or Arkansas- did you understand it that way? A No sir I didnt know what it was; I didnt know just what was meant by it; I just heard her talk about the scrip
- Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians either in Mississippi or in Alabama or Indian Territory ? A I dont know whether they were or not.
- Q Never heard that they were? A No sir.
- Q Have you any witnesses you would like to call now in support of your claim? A No sir.
- Q Have you any documentary or other evidence you want to present now? A No sir.
- Q Do you care for any time?

By attorney:

We want twenty five days.

By the Commission:

Twenty five days time is allowed this applicant to introduce further proof in this case if he desires.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q What relation is Mary A. Sparks to you? A Third cousin.
- Q Are you related to George H. Jones? A Yes sir.
- Q What relation is he to you? A Second cousin.
- Q John M. Jones? A Yes sir.

Joseph C. Jones 6.

- Q What relation? A Second cousin.
Q What relation is Amanda A. Meeks? A That's my aunt.
Q Sarah F. Young? A First cousin.
Q Do these all claim through the same common ancestor through whom you claim? A Yes sir.
Q Do you want your case consolidated with the case of Mary A Sparks et al? A Yes sir.
Q Case of Mary A. Sparks et al., M.C.R. 5735 here referred to for the purpose of consolidation.

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Applicant has the appearance and physical characteristics of being descended from white parentage; has black hair; brown eyes; dark complexion; does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 16 day of August 1902.

Prince C. Jones
Notary public.

COPY.

Muskogee, Indian Territory, January 7, 1903.

Joseph C. Jones,

Lone Star, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Pitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6086
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
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Martha Poteet, et al.,	" 6206
Willis M. Meeks, et al.,	" 6199
Victoria Blovin, et al.,	" 6097
James L. Jones, et al.,	" 6141
Joseph C. Jones, et al.,	" 6201
Mary Ann Fant, et al.,	" 6209
Frances Morgan, et al.,	" 6216
Phoebe Meeks,	" 6200
Amanda V. Pate, et al.,	" 6218
Alex Meeks, et al.,	" 6211
Nevada Meeks,	" 6137
George M. Jones,	" 6138
John H. Jones, et al.,	" 6193
James Edward Jones,	" 6194
Henry M. Jones,	

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardia Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John H. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interstate Commerce Commission at Washington, D.C.

Respectfully,

Wm. H. ...
Acting Chairman.

Registered.

M.C.R. 6141

COPY.

Muskogee, Indian Territory, November 30, 1904.

Joseph C. Jones,

Lonestar, Arkansas,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

No. 6111

For Identification as a Mississippi Choctaw.

Date

Name Joseph C. Jones.

Age 25

Blood

7/16

Post-Office, Lone Star, Ark.

{ Father: James L. Jones, l.
Mother: Susie Jones, d

Claims through father —
wife, Wolo Jones, w. l
No claim for wife —

Children:

Ellis Jones, M. 5-
Birdie May Jones, 2

claims for self and
2 minor.

POOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 6142

John Holybee

MCR 6142

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of John Holybee, et al., for
identification as Mississippi Choctaws, M.C.R. 6142.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of John Holybee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of John Holybee, et al., for identification as Mississippi Choctaws-----	8

---0---

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 14, 1902.

In the matter of the application of John Holybee for the identification of himself and his four minor children, John, Mary, Effie and Harrison Holybee as Mississippi Choctaws.

Applicant represented by Francis A. Pierce, Attorney.

Examination by the Commission.

- Q What is your name? A Holybee, is the way I call it. John Holybee.
- Q How do you spell it? A H-o-l-y-b-e-e.
- Q What is your age? A Fifty-three.
- Q What is your post office address? A Ardmore.
- Q Indian Territory? A Yes sir.
- Q How long have you lived in Ardmore? A I lived there about five or six years.
- Q Where did you live before that? A Before that I lived down on Canadian at Allen.
- Q Indian Territory? A Yes sir.
- Q How long? A Six or seven years. Before that on Wild Horse in the Chickasaw Nation.
- Q Where were you born? A Arkansas.
- Q How long did you live in Arkansas? A About - I left there when I was small - three years old.
- Q Went where? A Down in Texas then
- Q Where in Texas did you go? A Went to Bell County.
- Q Lived there how long? A Lived there a year or two, I suppose
- A And went to Lampasas and from there to Williamson County.
- Q Then you come to the Indian Territory? A Yes sir.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is your father's name? A Hezekiah.
- Q What is your mother's name? A Verblin ..
- Q Through which parent do you claim Choctaw blood? A From my father's mother.
- Q From your father and mother's side too - you claim through your mother Verblin? A No, my father; my father's mother.
- Q You claim through your father don't you? A Yes sir.
- Q How much Choctaw blood do you claim? A I claim about an eighth I reckon.
- Q When and where were your father and mother married? A They was married in Mississippi I think?
- Q Where is Mississippi? A I don't know what county.
- Q When were they married in Mississippi? A Well, I can't tell you.
- Q By a minister and under a license? A I never heard them say.
- Q Have you the proof of that marriage with you now? A No sir.
- Q Do you think you could introduce that proof later? A Yes sir I expect I could.

Reasonable time will be allowed for that purpose if produced within a period of twenty five days.

- Q Is your wife living? A No sir; the mother of the children is not.

John Holybee 2.

- Q What was her name? A Clark.
Q What was her given name? A Elizabeth Clark.
Q Elizabeth Holybee? A Yes sir.
Q Was she a white woman? A Yes sir.
Q Was she the mother of the children you intend to apply for?
A Yes sir.
Q Give the names of the children commencing with the oldest.
A John Holybee.
Q How old? A Sixteen.
Q The next? A Mary.
Q How old? A Fourteen.
Q Is that all? A Effie.
Q How old? A Twelve.
Q The next one? A Harrison.
Q How old? A Ten years old.
Q Is Elizabeth the mother of these four children? A Yes sir.
Q Have you charge and custody of these children now? A Yes sir.
Q When and where were you married to your wife Elizabeth?
A Married in Bastrop County Texas.
Q What date? A '69.
Q The day of the month? A December I believe; the 2nd day of December.
Q By a minister under a license? A Yes sir.
Q Have you that evidence now? A No sir.
Q Do you think you can prove it? A Yes sir.

You will be allowed the privilege of doing so if done within twenty five days.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory.
A No.
Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe?
A No sir.
Q Did you or anyone for you or for your children in '96 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
Q Have you ever made application before this time either for yourself or your children to be enrolled as members of the Choctaw tribe of Indians to the Choctaw tribal authorities or the United States authorities? A No sir.
Q Do you come before the Commission today to identify yourself and to identify your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Well I dont know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was made on the 27th day of September of that year, 1830 and the treaty was made for the purpose of removing the Choctaw Indians from the old nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was ratified it became known that a good many of the Indians would not go to the new

Nation with the ether Indians and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put in the treaty of 1830. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you? A Yes sir.
- Q Did any of your ancestors comply or attempt to comply in any way with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of the ancestor through whom you claim a right to be identified as a Mississippi Choctaw? A Holybee.
- Q What is his given name? A Hezekiah Holybee, is his full name?
- Q That is your father? A Yes sir.
- Q Did he live in Mississippi in 1830? A He lived in Tennessee.
- Q I want the name of some ancestor of yours if you can give one who lived in the old Choctaw Nation in 1830; give me the name of the one you want to offer as an ancestor?
- A Phoebe Jane.
- Q What's her full name? A Phoebe Jane Brown.
- Q Whom did she marry? A Holybee.
- Q What Holybee? A William Holybee I believe.
- Q Which had the Choctaw blood, Phoebe Jane Brown or William Holybee? A I heard my father say that William Holybee had Choctaw blood and Phoebe too.
- Q You claim that they both had Choctaw blood? A Yes sir.
- Q They were the father and mother of your father Hezekiah? A Yessir.
- Q They were your grandfather and grandmother? A Yes sir.
- Q How much Choctaw blood did William Holybee have? A Father told old man Chico he had half.
- Q How much Choctaw blood did Phoebe Jane have? A Half.
- Q Then your father was a full blood wasn't he? A No sir.
- Q If his father was half Choctaw and his mother was a half Choctaw wouldn't he be a half Choctaw - he would be half of their blood? A That's right.
- Q That would make you claim a quarter; your grandfather was half and your grandmother was half; that would make your father half and you would be half of your father which would be one quarter? Do you think that's right? Is it right that your grandfather and grandmother were each a half?
- A I may be mistaken; it may be a quarter.

John Holybee 4.

Q Do you claim that William Holybee is a quarter; do you want to change it and make it only a quarter? A You better make him a quarter then.

Q How much is Phoebe Jane Holybee? A Half.

Q If William Holybee was a quarter and Phoebe Jane Brown was a quarter, your father, their son would be a quarter and you would be one half of his blood - you would be one eighth.

A That's the way; father said I would be an eighth. We was talking about it six or seven years ago.

Q You are not quite sure about this are you? A No; let me see; it's been ten years ago since I was talking about it - said I would be an eighth.

Q Cant you straighten that out? A I dont know whether I can straighten it out or not.

By attorney:

Q You dont know how much Choctaw blood you have do you? A Only what I heard him say.

Q If he said that his father was one quarter and his mother was half that would make him three eighth. A (No answer.)

By the Commission:

Q Well you cant straighten that out? A I dont know.

Q What is the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and had a family there then? A Brown.

Q Who was Brown? A His mother.

Q Whose mother? A Father's mother.

Q Isn't her name Holybee - you are speaking now of Phoebe Holybee? A Yes sir.

Q Did Phoebe Jane Holybee live in the old Choctaw Nation in Mississippi or Alabama in 1830 and was she a head of a family? I dont know where they were then - not for certain.

Q Can you give the name of any Choctaw ancestor of yours who lived in that old Choctaw Nation east of the Mississippi river in 1830? A No sir I cant.

Q How old is your father Hozekiah Holybee? A He's eighty nine years old.

Q Where was he born? A He was born in Mississippi I think or Tennessee.

Q Now say one or the other - Mississippi?

A Yes sir or Tennessee.

Q Do you know where he was born? A He was married in Tennessee.

Q Where was he born? A In Mississippi I believe.

Q How do you know? A I dont know only that hearsay.

Q Who did you hear say? A Heard them talking about it is all.

Q Heard who talking? A My father.

Q But you said a minute ago - either in Mississippi or Tennessee what do you mean by that - do you know.

Q I got the marriage and that mixed together I suppose.

Q That was eighty nine years ago was it? A He's eighty nine years old is what he said.

Q That was eighty nine years ago wasn't it? A Yes sir.

Q What was the name of his ancestor who lived in Mississippi eighty nine years ago; he had two didn't he? A Yes sir.

Q One was his father and one his mother - is that right? A Yes sir.

Q How did William Holybee your grandfather or Phoebe Jane Holybee your grandmother within six months after the ratification of the treaty of 1830 to the United States Indian

agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.

Q Did any of your Choctaw ancestors own any land or claim any land either in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

Q Did either of them - your grandfather or grandmother comply in any way with article fourteen of the treaty of 1830? A No sir, not that I know of.

Q Did either of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay and take land and become citizens of the states? A Not that I know of.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Father come down in Arkansas.

Q Answer my question; I asked you if they ever went from Mississippi to the new Choctaw Nation Indian Territory between 1833 and 1838; now answer that question? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of 1830 those Indians who stayed back there in the old Choctaw Nation east of the Mississippi river were required if they wanted to take advantage of the fourteenth article of the treaty to go to the United States Indian agent Colonel William Ward within six months from the date the treaty was ratified and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a good many Indians did this whose names Colonel Ward neglected to put upon his list and his failure to do so caused a good many Indians who had land in the old Choctaw Nation to lose both their land and the improvements they had upon that land because both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that congress authorized commissions, one in 1837 and the other in 1842 to go to Mississippi and investigate these claims; these commissions went to Mississippi and heard claims under article fourteen of the treaty of Dancing Rabbit Creek.

Q Did any of your Choctaw ancestors go before either of those Commissions and claim any benefits under that article of that treaty? A Not that I know of.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land elsewhere in the states of Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any of this scrip from the government as Choctaw Indians? A Not as I know of.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No sir.

- Q Q Have you any evidence you would like to present now in support of this claim? A None right now.
Q Would you like a little time in which to produce other testimony?
A Yes sir

Twenty five days time is allowed this applicant to introduce other evidence in support of this claim.

- Q Do you speak or understand the Choctaw language? A No sir; my father can but I cant.
Q Your father can? A Yes sir.
Q How much Choctaw language does he speak? A He can talk a right smart; I cant tell what he would say; I heard him talk.
Q How did he learn it? A I dont know ; I've heard him talk it with them.
Q You are living in the Choctaw Nation? A I'm in the Chickasaw
Q What 's your father's business. A He was a blacksmith.
Q Where was he born? A He was born in Tennessee.
Q Didn't you say a while ago your father was born in Mississippi
A Mississippi I meant to say.
Q Which was it? A Mississippi; we will have it that way.
Q We want it the right way.
A Mississippi; he married in Tennessee.
Q Do you know whether he was married in Mississippi or Tennessee? A Only what was said.
Q Do you know? A No I dont.
Q Who did you hear say he was born in Mississippi? A Heard him say so.
Q Didn't you say you have heard him say he was born in Tennessee? A No he was married in Tennessee; I got that mixed.
Q Where did he go to from Mississippi? A Come to Tennessee.
Q And was married in Tennessee? A Yes sir.
Q And then how long did he live in Tennessee? A I dont know how long he lived in Tennessee .
Q He went from Tennessee where? A Port Smith Arkansas.
Q How long did he live in Port Smith Arkansas. A Four or five years I suppose.
Q Then he went where? A Down in Texas.
Q Where? A Went to Bell County first, Lampasas and Williamson County.
Q Then he went where? A To the territory.
Q Lived where in the Indian Territory? A Lived up on the flat up here by Spanish Fort first he come down in the Choctaw and then went up in the Chickasaw.
Q And is living where now ? A He lives in Grant now.
Q Choctaw Nation? A Yes sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair, dark blue eyes, dark complexion somewhat tanned with the sun; dark mustache and whiskers , not as dark as his hair; has no knowledge of the Choctaw language and no knowledge of any act of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 .

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of August 1902.

John Holybee 7

and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

[Handwritten signature]

Subscribed and sworn to before me this 19 day of August 1922

Prince E Jones
Notary Public.

COPY.

402
~~402~~

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of John Holybee, et al. for
identification as Mississippi Choctaws, M.C.R. 6142.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by John Holybee for himself and his four minor children, John, Mary,
Effie and Harrison Holybee, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Phoebe Jane Holybee (nee Brown), who is alleged to have been an one-half blood Choctaw Indian, and William Holybee, who is alleged to have been an one-fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Phoebe Jane Holybee (nee Brown), or William Holybee, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and

August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Holybee, John Holybee, Jr., Mary Holybee, Effie Holybee, and Harrison Holybee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 2 1903.

COPY.

M.C.R. 6142.

Muskogee, Indian Territory, February 2, 1903

Wansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Holybee, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Holybee, John Holybee, Jr., Mary Holybee, Effie Holybee, and Harrison Holybee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixie.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 2, 1903.

Francis A. Pierce,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Holybee, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Holybee, John Holybee, Jr., Mary Holybee, Effie Holybee, and Harrison Holybee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

F. A. P.No. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixie.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 2, 1903.

John Holybee,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Holybee, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Holybee, John Holybee, Jr., Mary Holybee, Effie Holybee, and Harrison Holybee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

J. H. No. 2.

You are further advised that you will be allowed fifteen days from date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John Holybee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 2, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamc Darby
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6143

COPY
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
12823--1903.

April 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of John Holybee, for himself and his four minor children, John, Mary, Effie and Harrison Holybee, wherein a decision adverse to the applicants was rendered by the commission on February 2, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Phoebe Jane Holybee (nee Brown) and William Holybee. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the

provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the names of Phoebe Jane Holybee (nee Brown) and William Holybee, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.F.(E.)

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

FILE

D.C. 11673
ITD 3648-1903.
LRS.

April 22, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of John Holybee (M C R 6142), for himself and his four minor children, John, Mary, Effie and Harrison Holybee, including your decision of February 2, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Phoebe Jane Holybee (nee Brown), who is alleged to have been an one-half blood Choctaw Indian, and William Holybee, who is alleged to have been an one-fourth blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

-2-

Reporting in the matter April 7, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN.

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 30, 1903.

John Holybee,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Holybee, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

Tams Dixby.
Chairman.

COPY

M.C.R. 6142

Muskogee, Indian Territory, April 30, 1903.

Francis A. Pierce,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Holybee, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

Tams Pixby
Chairman.

COPY.

M.C.R. 6142

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Holybee, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name John Koolyber.

Age 53 - Blood 1/8

Post-Office, Ardmore. D.T.

Father: Hesteriah Koolyber. l.

Mother: Verblina " l.

— Claims through father —
wife.

Elizabeth Koolyber. d. 1844

Children:

John Koolyber.	16
Mary "	14
Effie " F	12
Harriett "	10

Claims for self
and children

Stenographer

Hesteriah Koolyber

Choctaw MCR 6143

David Foster

See MCR 6120

MCR 6143

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of David Foster, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

David Foster, et al.,	M. C. R. 6143
Georgia Ann Reed, et al.,	M. C. R. 6120.

-----o-----

List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of David Foster, et al.

-----o-----

Page.

Original application of David Foster, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Original application of Georgia Ann Reed, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	8
Decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws in the consolidated case of David Foster, et al.,..	17

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 14, 1902.

In the matter of the application of David Foster for the
identification of himself and his minor child John L.
Foster as Mississippi Choctaws.

Applicant represented by S.W. Haas, Attorney.

David Foster being first duly sworn testified as follows:

Examination by the Commission;

- Q What is your name? A David Foster.
Q What is your age? A I'm about sixty two years old.
Q What is your post office address? A Hearne Texas.
Q How long have you lived there? A I've lived there about
I reckon twenty five years; let's see I moved there in
'77.
Q Where were you born? A I was born in - I think about the
lower part of Arkansas next to Mississippi.
Q And went from there to Mississippi? A Yes sir -- now for
me to give you the exact time - what month -- I cant; you
see I was small; I cant give you the direct time.
Q About when do you think? A I was born over there somewhere
close to Arkansas in Arkansas or Mississippi ene.
Q You dont know whether you were born in Missis sippi or Alabama
A No.
Q How long did you live in the state of Mississippi.
A I cant tell you.
Q From Mississippi you went where? A From Mississippi to
Texas.
Q And then to Texas? A Yes sir then to Texas.
Q Is your father living? A No sir; not that I know if; dont think he is.
Q Mother living? A Yes sir.
Q What was your father's name? A He was a colored man. I
dont know what his name was.
Q Was he a slave? A Yes sir.
Q You dont remember his name? A No sir I was small when they
was separated - sold - carried away.
Q What is your mother's name? A Lillie Preston.
Q Was she a slave? A Yes sir.
Q You were I suppose? A Yes sir.
Q Through which parent do you claim Choctaw blood?
A Through my mother.
Q How much Choctaw blood did she have? A Half.
Q How did she happen to be a slave if she had Choctaw blood? If
she was a half Choctaw? A I dont know sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her blood? A Wellher mether I think is one half.
Q One half what? A Half choctaw.
Q What else you claim your wife's blood is? A That would make
her one-fourth.
Q One fourth what? A Indian.
Q What is the three fourths? A Negro.
Q What is your wife's name? A Annie.
Q Annie Foster. A Yes sir.
Q How old is she? A She's about forty five years old.
Q Was she a slave? A Yes sir.

David Foster. 2.

- Q Do you make any claim for her as having Choctaw blood ?
A Why not today; I don't know what I might do afterwards.
Q Do you now? A No sir not now.
Q Have you any children you want to make application for?
A No sir not now.
Q Have you any miners you want to make application for? A Q,
my little one; yes sir.
Q What is the name of that child? A John L.
Q How old is John L? A He will be seven years old the 2nd
day of next March.
Q That's all you have? A Yes sir.
Q What is the name of the other child? A His name is Dewitt.
Q How old is he? A He will be twenty five years old the
25th of November.
Q Where is he? A In Hearne.
Q He has not been before the Commission has he? A No sir.
Q Is he married? A Yes sir.
Q Has he children? A Yes sir.
Q How many children? A Two little fellows.
Q What are their names? A One's named Dewitt. And a
little girl; he hasn't named her yet.
Q Is Annie Foster the mother of John L. Foster? A Yes sir.
Q Are you and your wife living together? A Yes sir.
Q And is this child living with you? A Yes sir.
Q When and where were you married to your wife Annie? A In
Brazos County.
Q In what state? A Texas.
Q Were you married by a minister under a license? A Minister.
Q Under a license? A Yes sir.
Q Have you the proof of that marriage with you now ?
A No sir.
Q You haven't got the certificate have you? A No sir.

Reasonable time will be allowed this applicant in order to
prove the marriage of himself and his wife; you will have
to produce the proof within twenty five days from this date.

- Q Is your name or the names of your children on any of the
tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Did you or anyone for you or for your children ever make appli-
cation to the Choctaw tribal authorities in Indian Territory
to be enrolled as members of that tribe? A No sir.
Q Did you or any one for you or for your children in the
year 1896 make application to the Commission to the Five
Civilized Tribes for citizenship in the Choctaw Nation under
the Act of Congress of June 16, 1896? A No sir.
Q Have you or your minor children ever been admitted to citizen-
ship in the Choctaw Nation by either the Choctaw tribal
authorities the Commission to the Five Civilized Tribes or
the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for yourself
and children to be admitted to citizenship in the Choctaw
Nation either to the Choctaw tribal authorities or the author-
ities of the United States? A No sir.
Q Do you come before the Commission now to be identified and
to identify your children as Mississippi Choctaws? A Yes sir.

Q You claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A I dont think I do exactly

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing rabbit Creek on the 27th day of September 1830 and made for the purpose of removing all the Choctaw Indians from that old nation east of the Mississippi river to the Choctaw Nation Indian territory; before the treaty was made to become known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those who stayed back there what is known as article fourteen was put into the treaty; that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now do you know the name of your Choctaw ancestor who complied or attempted to comply with article fourteen of the treaty? A No sir I dont.

Q Do you think you understand that article well enough to claim under it? A No sir

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.

Q What is his name? A Strawther Ship.

Q Dont you know whether any of your relatives or kin have been here claiming under this same Strawther Ship? A Yes sir

Q Who has? A My mother.

Q Georgia Ann Reed? Is she your mother? A No sir she's my sister.

Q What's Strawther Ship's first name? A Pi-nah.

Q What relation was this person to you? A He was my grandfather

Q How much Choctaw blood did he have? A He had full blood of Choctaw.

Q That was your grandfather? A Yes sir.

Q Your mother's father was it? A Yes sir.

Q Was he a slave at any time? A No sir.

Q What was his wife's name? A Lillie; she belonged to the Posters.

Q Negro? A yes sir.

Q She was a slave was she? A Yes sir.

Q How did your mother happen to have the name of Lillie Preston

A She married again.

Q What was her husband's name - full name. A The last one she had.

- Q Yes? A George Preston.
- Q Did Pi-mah Strawther Ship live in the old Choctaw nation in Mississippi or Alabama? A I think he lived in Mississippi.
- Q Did he live there in the year 1830? A Yes sir.
- Q Did he have a family of children there then? A Yes sir.
- Q Did he comply with article fourteen of the treaty of 1830? A I dont know sir.
- Q Did he own any improvement on land in Mississippi or Alabama in 1830? A I dont think he did.
- Q Did he within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him he wanted to stay in Mississippi take land and become a citizen of the United States? A No sir.
- Q Did any of your Choctaw ancestors do that? A No sir.
- Q Is he dead now? A Yes.
- Q How old would he be if living now? A If he was living now I expect he would be about a hundred and thirty years old.
- Q He was your grandfather? A Yes sir.
- Q And your mother's father; how old was he your mother? A She's ninety six now.
- Q Was she married in 1830? A Well married as they did in slave time; what they called marriage.
- Q She was married then? A Yes sir.
- Q She had a husband? A Yes sir.
- Q He was a slave too? A No sir.
- Q How old is your mother? A She's about ninety six years old.
- Q Did she live in Mississippi in 1830? A Yes sir I think so.
- Q Was she married at that time when that treaty was made in 1830? A Yes sir.
- Q Did she have children living then? A Yes sir.
- Q Then your mother Lillie Preston is the ancestor through whom you claim your right to be identified as a Mississippi Choctaw as being the ancestor who lived in Mississippi in the old Choctaw Nation in 1830 and who was head of a family there at that time? A Yes sir.
- Q How many children did she have in Mississippi at that time when the treaty was made? A I dont think she had but two.
- Q Can you give their names? A One dead is Strawther and one they call John.
- Q How old would Strawther be if living now? A He would be about seventy years old - between sixty five and seventy.
- Q The treaty was made seventy two years ago; wouldn't he be older than that? A I dont know exactly.
- Q How old would the other be if living now? A John?
- Q Yes? A He's about sixty four years old.
- Q Is he living now? A Yes sir.
- Q Are you quite sure that your mother Lillie Preston had a son living in Mississippi in 1830? A Yes sir.
- Q You are sure that Strawther was living there at that time? A Yes sir; that was the oldest child - Strawther.
- Q Would your mother speak the Choctaw language? A No sir.
- Q Could any of your Choctaw ancestors? A Yes sir my grandfather could.
- Q Now if your mother Lillie lived in Mississippi in the old Choctaw Nation in 1830 and had a family there then - that is had your eldest brother Strawther - her son, and if she was a slave at that time as you say she was, how could she have complied with article fourteen of the treaty of 1830?
- A I dont know.

David Foster--5.

- Q You see under article fourteen of the treaty of 1830 a Mississippi Choctaw could elect to stay in Mississippi take land there and become a citizen of the United States. Now if that Mississippi Choctaw happened to be a slave at that time it would have been impossible for him to hold land because a slave couldn't hold land and he couldn't elect to stay in Mississippi or go from Mississippi because he had to stay with his master.
- Q He would go backwards and forwards.
- Q You mean your mother's father? A Yes sir.
- Q Well I'm talking about your mother; your mother was a slave.
- A Yes sir.
- Q And you have testified your mother lived in Mississippi in 1830 and was the head of a family there then; if I asked you how she could comply with article fourteen if she was a slave a slave couldn't hold land and couldn't go nor come without the will of his master. Now do you know whether any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek went to the United States Indian Agent Colonel Ward and told him they wanted to stay in Mississippi take land and become citizens of the states? A No sir I don't.
- Q Did any of them own improvements upon land in Mississippi or Alabama in 1830? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land under article fourteen of the treaty of 1830 in Mississippi or Alabama? A No sir.
- Q Did any of them come from the old nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833 and 1838 or '40. A Yes sir.
- Q How do you know? A My mother said he did.
- Q Who went to the Indian Territory? A Her father.
- Q But she herself did not? A No sir.
- Q When was she liberated? A Let's see; in 1869 I believe it was; I don't know exactly.
- Q 1865 was the close of the war; 1863 was the act of emancipation.
- A Yes sir. You see some of them wasn't turned loose for three years after the war broke in the south.
- Q She was emancipated with the rest in '63 I presume but you say she wasn't turned loose until later on? A Yes sir.

The Choctaws who stayed in Mississippi and in Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months after the treaty was ratified and tell him they wanted to stay in Mississippi take land and become citizens of the states; a good many Choctaw Indians did that but Colonel Ward neglected to put their names upon his list known as Ward's register; his neglect to make a proper register of the Choctaw Indians who went before him and complied with article fourteen of the treaty of 1830 caused a good many Indians who had land in Mississippi in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaws that in 1837 a commission appointed under an act approved March 3 of that year and another commission was appointed in 1842 under an act approved August 23 of that year; these commissions went to Mississippi and heard claims under article fourteen of the treaty of Dancing

David Foster 6

Rabbit Creek and each of them made lists of the Choctaws who appeared before them.

- Q Do you know whether any of your Choctaw ancestors appeared before either of those Commissions and claimed benefits as Choctaw Indians? A No sir.

The act of Congress approved August 23, 1842 provided that if a Choctaw Indian proved his claim under article fourteen of that treaty; if it also further appeared that he had had land in the old Choctaw Nation which the government had taken from him and sold, he should be entitled to select land in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your Choctaw ancestors get any of this scrip from the government? A No sir.
Q Do you know what is meant by this scrip? A No sir nor exactly
Q I have just explained it to you; it was a certificate which the Commission of 1842 gave to those Indians who had had land taken from them by the government and sold and under this scrip they could select land in any one of the four states I have just mentioned to replace the land which they had once had in the Choctaw nation but which the government had taken from them.

- Q You understand that no do you? A Yes sir I understand it.
Q Give me the name of some of your relatives who have been before this Commission to be identified as Mississippi Choctaws?
A My sister, Georgia Ann Reed and I have some cousins, I disremember the names - Reed Foster; they are cousins; I cant call their names.
Q Do you want to have your application considered with theirs so that they may all be consolidated under one head?
A Yes sir.

Case of Georgia Ann Reed MC.R. 6120 is here referred to for the purpose of consolidation.

- Q Is there anything further you want to say in support of this application? A No sir
Q Have you any witnesses you want to introduce today? A No sir.
Q Have you any other evidence or testimony you want to introduce? A No sir.

Examination by Attorney E.W. Isaac.

- Q What was the name of your mother? A Lillie Present.
Q What is her age? A About ninety six years.
Q How do you know? A She said she was.
Q Is she living? A Yes sir.
Q Where is she living? A In Fannin County Texas.
Q Has she a husband? A Yes sir.
Q What is his name? A George Preston.
Q To whom was she married before she married him? Strawther Ship.
Q Is that your father? A No sir.

David y ster 7

- Q What relation is Strawther Ship to you? A My grandfather.
Q How could he be your grandfather and your mother's husband?
A He's my mother's father; I didn't understand you.
Q To whom was your mother married before she married this man Preston? A Strawther Ship.
Q What relation is Strawther Ship to you? A My grandfather.
Q I want you to explain why it is that he was married to Lillie Preston your mother and still your grandfather? A Well I might be mistaken; he wasn't married to Lillie Preston, but my mother's mother.
Q Married to your mother's mother? A Yes sir; I just got it mixed up.
Q Did Strawther Ship have any other name than Strawther Ship?
A No that's the name we all call him by but his other name was Pi-nah.
Q How do you spell that Pi-nah? A P-a-n-a-h.
Q You say your grandmother was a slave - your mother's mother?
A Yes sir.
Q Is your grandfather strawther Ship whose other name was Pannah living? A No sir he's dead.

I want to ask for time in which to introduce evidence in support of his claim.

By the Commission:

Twenty five days time will be allowed for the introduction of further testimony under the rules of the Commission.

- Q Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage.

- Q How much Choctaw blood do you claim? A One quarter.

Claims one quarter Choctaw blood; the Commission is unable to determine whether he has that quantity of not. Does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 19 day of August 1902.

Prince C. Jones
Notary Public.

COPY.

Cow.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of David Foster, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

David Foster, et al.,	M.C.R. 6143
Georgia Ann Reed, et al.,	M.C.R. 6120.

---: D E C I S I O N :---

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by David Foster for himself and his minor child,
John L. Foster, and by Georgia Ann Reed for herself and her
three minor children, Annie Bell, Benjamin Harrison and Malinda
Ann Reed, under the following provision of the act of Congress
approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation concluded Sep-
tember twenty-seventh, eighteen hundred and thirty, and
to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all the applicants herein except
the minor applicant applied for in M C R 6143, claim rights in
the Choctaw lands under article fourteen of the treaty between

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Strawther Ship (or Pi-nah, or Panah or Painah), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty. It further appears that the minor applicant applied for in M C R 5143 claims said rights by reason of being a descendant of Annie Foster, who is alleged to have been an one-quarter blood Choctaw Indian, and the said Strawther Ship (or Pi-nah, or Panah or Painah).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1893, (29 Stats., 321).

It appears from the records in the possession of the Commission that the name Pahnah is found on page 500 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims, No. 15743, in "A tabular statement of cases fully adjudicated by Commissioners Tyler, Gaines and Rush 31 May, 1845." It also appears that one Pahnah and one Pahnah received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek"; but there is nothing in the testimony of the applicants herein which tends to show that the

persons whose names appear in the above records are identical with Strawther Ship (or Pi-nah, or Panah or Painah) through whom they claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Strawther Ship (or Pi-nah, or Panah or Painah) through whom these applicants claim or Annie Foster, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Foster, John J. Foster, Georgi. Ann Reed, Annie Bell Reed, Benjamin Harrison Reed and Malinda Ann Reed as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Tamc Dixie.

Acting Chairman.

SIGNED

T. D. ...

Commissioner.

Muskogee, Indian Territory.

JAN 19 1906

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory, January 19, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of David Foster, et al., embracing the following applications for identification as Mississippi Choctaws:

David Foster, et al., M.C.R. 6143,
Georgia Ann Reed, et al., M.C.R. 6120

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Foster, John L. Foster, Georgia Ann Reed, Annie Bell Reed, Benjamin Harrison Reed and Malinda Ann Reed as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

DESIGNED

T. D. J. Jones.

Commissioner in Charge.

COPY.

M.C.R. 6143.

Muskogee, Indian Territory, January 19, 1903.

David Foster,
Hearne, Texas.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of David Foster, et al., embracing the following applications for identification as Mississippi Choctaws:

David Foster, et al., M.C.R. 6143,
Georgia Ann Reed, et al., M.C.R. 6120.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Foster, John L. Foster, Georgia Ann Reed, Annie Bell Reed, Benjamin Harrison Reed and Malinda Ann Reed as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

D. P. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 19, 1903.

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of David Foster, et al., embracing the following applications for identification as Mississippi Choctaws:

David Foster, et al., M.C.R. 6143,
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B. V. I. # 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. B. M.

T. B. Maffei

Commissioner in Charge.

Registered.

COPY.

M C R 6143

Muskogee, Indian Territory, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of David Foster, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 19, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

David Foster, et al.,
Georgia Ann Reed, et al.,

M. C. R. 6143
M. C. R. 6120

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.
1 enclosure, M C R 6143

(8)

Tamc Birt

Acting Chairman.

M O R 6143.

Muskogee, Indian Territory, February 10, 1903.

D. V. Foster,

Hearne, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1903, in which you state that you are unable to appear before the Commission at this time.

In reply to your letter you are informed that it appears from our records that on January 19, 1903, the Commission refused your application for the identification of yourself and your minor children as Mississippi Choctaws, and on the same date you were notified of the action of the Commission and advised that you would be allowed fifteen days within which to submit argument in your case to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. On February 4, 1903, the fifteen days theretofore granted having expired, the record in your case was transmitted to the Secretary of the Interior.

You will be advised in due time of the action of the Secretary in your case.

Respectfully,

Acting Chairman.

Land.
9348-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application of David Foster for himself and his minor child, John L. Foster and Georgia Ann Reed for herself and her three minor children, Annie Bell, Benjamin Harrison and Malinda Ann Reed, for identification as Mississippi Choctaws.

It is shown in the testimony in this case that the applicants claim identification as Mississippi Choctaws by reason of their descent from Strawther Ship, also given as Pi-nah, who, they claim, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty in 1830.

It appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of the applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw

tribe, or ever complied with the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the names of Strawther Ship, Pi-nah or Pa-nah or Pai-nah and Annie Foster, and it is discovered that their names do not appear among the names of these persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being true, it is recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

(E.B.H.)
P.

D.C.10336-1903.
I.T.D.3024-1903.
L.R.S.

C O P Y.
E.A.F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 8, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 4, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of David Foster and his minor child, John L. Foster; and of Georgia Ann Reed and her minor children, Annie Bell, Benjamin Harrison and Malinda Ann Reed. You denied the applications January 19, 1903.

The applicants claim to be descendants of Strawther Ship (or Pi-nah or Panah or Painah), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830. John L. Foster also claims to be a descendant of Annie Foster, alleged to be a half blood Choctaw.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180),

and August 23, 1842 (3 Stat., 513).

Reporting March 17, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the whole record and finds no reason to modify your decision; it is accordingly affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 6143

COPY.

Muskogee, Indian Territory, April 23, 1903.

David Foster,
Hearne, Texas.

Dear Sir:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of David Foster, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

Tame Bixby.
Chairman.

COPY

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
Mouth McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of David Foster, et al., of which decision you were advised by mail on the 19th day of January, 1903.

Respectfully,

16

Tame Bixby.
Chairman.

CO 4

Muskogee, Indian Territory, April 23, 1903.

S. W. Isaac,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of David Foster, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

Tamo Talty.
Chairman.

CARD No.

NAME

RESIDENCE—COUNTY

POST OFFICE

AGE

REFER TO M. C. R. 6143

David Foster et al

Consolidated Case

Pa-nah
or
Pi-nah
or
Shawther Ship, full,
wife
Lillie, neg. slave
or
Agnes, slave

Lillie Preston 1/2
- husband -
George Preston

Mar 6-11-21
David Foster 62
wife
Annie Foster 1/4
3/4 neg. & slave
Mar 6-11-21
Georgia Ann Preston
mar
Green, Reed

De Witt Foster 25-
wife
name not given
John L. Foster 7

John Reed
Lillie Bell Reed
mar
- Stewart
Agnes Reed
mar.
- Bryant
Minnie Reed
mar
- Wares
Liddy Reed
mar
Henry Store
Columbus Reed
Charlie Reed
David Reed
Mar 6-11-21
Annie Bell Reed 17
Benjamin Harrison Reed 15
Malinda Ann Reed 12-

For Identification as a Mississippi Choctaw.

Date

Name David Foster. —

Age 62 Blood $\frac{1}{2}$

Post-Office, Hearne, Texas.

Father; don't know, dead. d,

Mother: Lillie Preston, l,

Claims through mother
 wife Annie Foster. — b. 45.
 $\frac{1}{4}$ Ind. $\frac{3}{4}$ negro.

No claim for wife.

Children:

John L. Foster, 7

Claims for self
 and sons,

— M. Moore & Co

Sept 25, 1903

Recd of the Commissioner & Five Tribes
One copy of the testimony of David Fork
in Mes Cho case No 614-3

M. Moore & Co

Choctaw MCR 6144

Vassie V. Pebsworth

by
Ada F. Champion

See MCR 6790

MCR 6144

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 18, 1908.

#8144.

In the matter of the application of Ada F. Champion, a white woman, for the identification of her two minor children, Vassie V., and Void Preston Pebsworth, as Mississippi Choctaws.

J. G. Ralls, Attorney for Applicants.

Ada F. Champion being first duly sworn testifies with reference to the application she makes for identification as Mississippi Choctaws of her two minor children, Vassie V. and Void Preston Pebsworth, as follows:-

Examination by the Commission.

- Q What is your name? A Ada F. Champion.
Q How old are you? A Thirty-seven.
Q What is your post office address? A Halfway.
Q What state or territory? A Arkansas, Clark County.
Q Are you a white woman? A Yes sir.
Q Do you make application today for your children? A Yes sir.
Q What are the names of the two children you wish to make application for? A Vassie and Void.
Q What is the full name? A Vassie V. Pebsworth.
Q How old is Vassie? A Thirteen last December.
Q That is a girl? A Yes sir.
Q What is the name of the next child? A Void Preston Pebsworth.
Q Is that a boy? A Yes sir.
Q How old is he? A Seven.
Q What was the name of the father of these minor children? A Louis Preston Pebsworth.
Q Is he living? A No sir, he ain't living, been dead four years.
Q You are the mother of these children? A Yes sir.
Q Through which parent do these children claim their Choctaw blood? A Their father.
Q How much Choctaw blood do you claim for these children? A One-eighth I think is what they claim.
Q You claim that your husband, Louis, was one-fourth Choctaw? A Yes sir.
Q Is the post office address of these two children the same as your post office address, Halfway, Arkansas? A Yes sir.
Q When did their father, Louis P. Pebsworth, die? A It was four years ago the 4th of this last July.
Q Where did he die? A Up there in Arkansas, not far from that post office.

Ada F Champion-----2

- Q Near Halfway? A Yes sir.
- Q You have married since? A Yes sir.
- Q What is the name of your present husband? A Champion.
- Q Full name? A Thomas Champion.
- Q Is he a white man? A Yes sir.
- Q Do you claim any Choctaw blood yourself? A No sir.
- Q All the Choctaw blood you claim for these two children you claim they get through your former husband, Louis P. Pebsworth?
A Yes sir.
- Q Do you know whether Louis P. Pebsworth was during his lifetime ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I don't exactly know whether he was or not; all I know about it he went to the Nation once and his name I reckon was put on the roll; his father wrote to me just before he died and said that he had his name and the children, and then the old man died.
- Q Do you claim that he was recognized and enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I can't just tell you whether he was or not.

The Choctaw Census Roll of 1896 examined by the Commission, also all other rolls in the possession of the Commission, and no person by the name of Louis P. Pebsworth is found upon said rolls.

- Q When and where were you married to your husband, Louis P. Pebsworth? A In 1888 was the date, in Arkansas, our marriage license is here. (Presents a paper.)
- Q Do you want to introduce this marriage license and certificate as evidence in proof of your marriage to Louis P. Pebsworth?
A Yes sir.

A copy of the marriage license and certificate of marriage between L. P. Pebsworth and Ada Thomas presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is L. P. Pebsworth whose name appears in this marriage license and certificate your husband, Louis P. Pebsworth? A Yes sir, the same.
- Q And Ada Thomas was your name before you were married? A Yes sir.
- Q Where was the father of your children, Louis P. Pebsworth, born?
A I don't know.
- Q Do you know what state he was born in? A No sir, I don't.
- Q Where did he live the most of his life? A All of his married life he lived in the Nation except a while I think he lived out there in our country.
- Q Where is your country? A In Clark County, Arkansas.
- Q You don't know whether he was born there? A No sir, I don't.
- Q Do you know how many years he lived in Arkansas? A No sir, but he lived there several years, and went from there to the Nation and has been there ever since.
- Q Did he die in the Indian Territory? A Yes sir.
- Q In the Choctaw Nation? A Yes sir.
- Q Are the names of these children or was the name of their father on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know about that.
- Q Are they enrolled as Choctaw Indians in the Indian Territory?

Ada F Champion-----3

- A No, they are not as I know of; no, I know they ain't.
- Q And their father's name is not on any of the rolls? A No sir.
- Q Did you or anyone else for these children ever make application for them to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir, there never has been any.
- Q Did you or anyone else ever make application for them for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896? A Not that I know anything about.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir, they never have been admitted.
- Q Have you ever made application for them prior to this date either to the Choctaw tribal authorities or the authorities of the United States for admission or enrollment as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission for the purpose of claiming rights as Choctaw Indians in the Indian Territory for these minor children under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I don't think I do.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, was entered into between the United States government and the Choctaw Indians on the 27th day of September, 1830, at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river which was partly in the state of Alabama and partly in the state of Mississippi, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who preferred to stay back there in the old Nation article fourteen was drawn up and put into the treaty of 1830; that article was put into the treaty for the especial benefit of Mississippi Choctaw Indians, and is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q That is article fourteen under which you are making this claim, do you think you understand the provisions of that article from the explanation and the reading well enough to make application for these children? A Yes sir, I guess so.
- Q Did any of the Choctaw ancestors of these children comply or attempt to comply in any way with article fourteen of the treaty of 1830? A No sir, not as far as I know.
- Q Were any of the Choctaw ancestors of these children for ~~you~~ whom you are now making application recognized as members of the Choctaw tribe of Indians in the old Choctaw Nation east of the Mississippi river? A I don't know anything except what I have heard.
- Q What is the name of the ancestor of these children through whom you claim for them the right to be identified as Mississippi Choctaws, who lived in Mississippi and had a family or children there or was the head of a family there in 1830? A I don't know none of their names only just the Pebsworths that come from there.
- Q Do you know the name of the ancestor, the original ancestor of these children who was an Indian and who did comply or attempt to comply with article fourteen of the treaty of 1830? A No sir, I don't know as I do.

Perhaps you do not understand the question; I will explain to you: These children, Vassie and Veld Pebsworth, you claim to be your children by your husband, Louis P. Pebsworth, whom you say had Choctaw blood. In order that you may now prove their right to be identified as Mississippi Choctaws it will be necessary for you to give the name of some ancestor of your husband who lived in the State of Mississippi or in the State of Alabama in that portion of either of those states in which the old Choctaw Nation was located in the year 1830 or prior to that time or subsequent to that time. If he lived there in 1830 and had a family of children there at that time, in other words was the head of a family there then, and complied or attempted to comply with article fourteen of the treaty of 1830, such testimony would go towards establishing their right now to be identified as Mississippi Choctaws.

- Q Can you give the name of any such ancestor? By ancestor I mean their grandfather or grandmother, great grand father or great grand mother, or great great grandfather or great great grandmother? A No, I don't know none of their names; I never did see none of the childrens grandfathers or grandmothers on the Pebsworth side.
- Q Did you ever hear anything about that? A No sir, I don't know whether Louis ever saw his grandmother or not, because he was raised in Arkansas, his father was married in Arkansas and Louis was raised up there in Arkansas.
- Q Through whom did your husband, Louis P. Pebsworth, get his Choctaw blood? A From his father.
- Q What was his father's name? A John Pebsworth.
- Q What was John Pebsworth's wife's name? A His first wife?
- Q Did he have two? A He had three.

- Q What was his first wife's name? A Susan Pebsworth was his first wife.
- Q Was she a white woman? A Yes sir.
- Q What was his second wife's name? A I don't know, I have heard the boys say, his wife that he was living with when he died was Mollie; he quit his first wife and then married another, and quit his second wife.
- Q Was his second wife a white woman? A No sir, both of his last wives were Choctaws.
- Q What was the name of his third wife? A I don't know.
- Q You can not give the name of either his second or third wife? A His third wife was named Mollie but I don't know Mollie what.
- Q His second wife and Mollie, his third wife, were both Choctaws? A Yes sir.
- Q Your husband, Louis P. Pebsworth was a son of John Pebsworth by which wife? A The first wife.
- Q And she was a white woman? A Yes sir.
- Q So Louis P. Pebsworth obtained his Choctaw blood only through his father? A Yes sir.
- Q Through whom did John Pebsworth get his Choctaw blood? A His own father I think.
- Q What was his father's name? A Henry Pebsworth.
- Q How much Choctaw blood did Henry Pebsworth have? A They always told me he claimed he was a full blood Choctaw.
- Q Is that what you have always heard? A Yes sir.
- Q Do you know the name of his wife? A No sir, only Patsy.
- Q Did Patsy Pebsworth have any Choctaw blood? A Yes sir, they claimed she did.
- Q Do you know? A I don't know, I reckon she did, I don't know.
- Q Can you say whether she did or not? A No sir, I can't say.
- Q Did you ever hear whether she had Choctaw blood or whether she was a white woman? A I don't know.
- Q Where was John Pebsworth born? A I don't know.
- Q Did you ever hear where he was born or where he lived during his lifetime, I am speaking now of the father of Louis? A Yes sir, he lived in the Nation most of his life.
- Q Where in the nation did he live most of his life? A I can't tell what county.
- Q When you speak of the Nation you mean the Choctaw Nation? A Yes sir.
- Q And that is in the Indian Territory? A Yes sir.
- Q But you never heard where he was born? A No sir.
- Q Did you ever hear that he lived in the state of Mississippi or Alabama? A No sir, yes I heard aunt Mary say that they come from Mississippi.
- Q Who came from there? A Her and her brother.
- Q That would be John Pebsworth? A Yes sir, I heard her say they did.
- Q When did you hear his sister say that? A Tuesday night, we stayed there.
- Q Where was that? A In Arkansas, close to Curtis.
- Q What is her name? A Mary Clover.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A I think she has, I don't know, I don't know nothing about them hardly.

- Q Then you heard Mary Glover, sister of John Pebsworth, who was the father of Louis P. Pebsworth, say that John Pebsworth used to live in Mississippi? A Yes sir.
- Q Did you ever hear her or anyone say where in Mississippi John Pebsworth used to live? A No sir.
- Q How old would John Pebsworth be if he were living now, if you know? A I don't know, he would be a pretty old man though.
- Q How old is his sister, Mary Glover? A She looks to be about sixty or seventy years old somewhere near there.
- Q Have you ever heard that John was older than his sister, Mary? A No sir, I never heard.
- Q Do you know whether Mary Glover ever had any brothers or sisters who were older than herself? A No sir.
- Q Did you ever hear that John Pebsworth, the father of Louis P. Pebsworth, lived in the state of Mississippi seventy-two years ago in 1830 when the treaty of 1830 was made? A No sir, I don't know a thing about it only just what I heard aunt Mary say the other night that they all come from Mississippi.
- Q How do you know that John Pebsworth, the father of Louis P. Pebsworth, had a father and mother by the name of Henry and Patsy Pebsworth? A I have heard that from aunt Mary Glover.
- Q Did you hear it from anybody else? A And her sister.
- Q What is the name of that sister? A I can't remember, I never was with her much, never saw her until the other night.
- Q Is she living now? A Yes sir.
- Q How old is this sister of Mary Glover? A She looks to be somewhere close to eighty, seventy-five I suppose.
- Q She was born in Mississippi? A Yes sir.
- Q Seventy-five or eighty years ago? A I won't be certain, but I heard aunt Mary say they was born in Mississippi, I don't know.
- Q Then from your testimony as you have received it from Mary Glover and from her sister, both of whom were sisters of your late husband's father, John Pebsworth, they were living with their brother, the father of Louis P. Pebsworth, and John Pebsworth and his two sisters, Mary Glover and this other sister, lived in Mississippi at one time, did they? A Yes sir, they all come from there the same time.
- Q You say that the older sister, whose name you did not recall, is at least seventy-five or eighty years old, was she born in Mississippi? I don't know whether they was born there any more than you do, I never was acquainted with them much only aunt Mary has been to my house a heap, the others are strangers to me.
- Q They are all the children of Henry and Patsy Pebsworth and all came from Mississippi? A Yes sir.
- Q Did you ever hear that Henry Pebsworth and his wife, Patsy, lived in Mississippi in 1830? A No sir, I never.
- Q Do you know whether Henry Pebsworth and Patsy Pebsworth had children living in Mississippi in 1830? A No sir, I don't know.
- Q Have you ever heard that Henry Pebsworth, whom you claim to have been a full blood Choctaw Indian, complied with article fourteen of the treaty of 1830? A I don't know only just what I have heard about it.
- Q Do you come before the Commission today to make application for the identification of these children, basing their claim upon their Choctaw descent from Henry Pebsworth, the grandfather of these children? A Yes sir.

Ada F Champion-----7

Q He was the great grandfather of these children? A Yes sir

It is material in this application that you show if you possibly can that either Henry Pebsworth, the great grandfather of these children, or some ancestor who had Choctaw blood, and from whom they are lineally descended, lived in that old Choctaw Nation either in Mississippi or Alabama in 1830, and was the head of a family there at that time, and complied or attempted to comply with article fourteen of the treaty of 1830.

Q Now are you able to give such information by your own testimony? A No, I don't know nothing about it, only just what aunt Mary told us the other night; she said they come from there.

Q Did any of the Choctaw ancestors of these children own any improvements on land in Mississippi or Alabama in that old Choctaw Nation in 1830 or 1831? A I don't know.

Q Did any of the Choctaw ancestors of these children remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1835 and 1838 or 1840? A No, I don't know.

Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of the Choctaw ancestors of these children ever claim any land or receive any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the government directed an agent in the state of Mississippi, whose name was Colonel William Ward, to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On this account in many instances the land on which Indian had improvements and which they had reserved for them under article fourteen of that treaty was sold by the government at its public land sales, and the Choctaws were deprived of their land. This action of the government caused many complaints among the Choctaws, so that in 1837 on account of these complaints Congress appointed a Commission by an act of Congress approved March 3rd of that year, and in 1842 by an act of Congress approved August 23rd of that year another Commission was appointed, and these Commissions went to Mississippi and heard claimants under that article of that treaty.

Q Do you know whether any of the Choctaw ancestors of these two children, Vassie and Vold Pebsworth, went before either of these two Commissions, that of 1837 or that of 1842, and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, I don't know.

Q Did any of the ancestors of these two children receive any scrip from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under the act of Congress approved August 23, 1842, and was issued to those Indians who proved that they had complied with article fourteen of the treaty of 1830, and also proved that they had had land in Mississippi which had been taken from them and sold.

- Q Do you know whether any of the ancestors of these children ever received any annuities or any money payments of any kind from the government as Choctaw Indians? A No sir, not that I know of.
- Q Did you ever hear that any of the ancestors of these children ever had their names placed upon any rolls or any lists made by the United States government, or any of its agents, as being Indians entitled to land there in the old Choctaw Nation or any rights under the treaty of 1830 or any article of that treaty? A Only just his father wrote that his name was put on and I 'lowed Louis' name himself was on the roll too.
- Q You say somebody's father wrote you, whose father, your husband, Louis P. Pebsworth's father? A He wrote to us just before he died, and told him to send Louis name and Vassie's name, and he would send them before the Commission.
- Q Send them to the Dawes Commission? A Yes sir.
- Q There is no record of the Commission upon which the name of either your husband, Louis P. Pebsworth, or any of his children appears? A Maybe he,— it looks like his father's name ought to be on the record.
- Q The question is: Is there any record in existence which shows that any ancestor of these children were recorded as having been entitled to any rights as Choctaw Indians under article fourteen of the treaty of 1830; did you ever see the name of Henry Pebsworth on any list made by the United States government or its agents which list would indicate that they were entitled to rights as Choctaw Indians under article fourteen of the treaty of 1830? The name of Henry Pebsworth or any other ancestor of these children? A No sir, I never seen their names nowhere.
- Q Is there anything further that you would like to say in support of this application? A No sir, I don't know nothing more about it.
- Q These children are not old enough to speak even the English language very fluently, are they? A One is thirteen and the other seven years old, the one that is seven can't hardly talk at all.
- Q Does Vassie speak the English language well? A Yes sir.
- Q Does she speak the Choctaw language? A No sir.
- Q Does Void, who is seven years old, speak either Choctaw or English? A What he speaks he talks in our language.
- Q Does he speak the English language well? A No sir, he can't hardly talk at all.
- Q He does not understand Choctaw? A No sir, not at all.
- Q Did your husband, Louis P. Pebsworth, understand the Choctaw language? A Yes sir, he could talk some.
- Q How much? A I can't tell you how much.
- Q Did you ever see his father, John Pebsworth? A No sir, I never did.
- Q How old would Henry Pebsworth, the great grandfather of these children be if he were living now? I don't know.

Ada F Champion-----

- Q Where was he born? A I don't know that.
Q When and where did he die? A I don't know.
Q Did you ever hear that he spoke the Choctaw language? A No sir, I never heard.
Q Can you tell when and where John, his son, was born? A No sir.
Q Can you tell when and where he died? A No sir, only he died in the Nation.
Q You don't know what time? A No sir, I don't, I ought to know but I have forgot.
Q Do you know whether John Pebsworth ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir, I don't know.
Q Do you know whether he lived in Mississippi in 1830? A I don't know only just what my aunt told us that they all come from there.
Q Have you any evidence that you want to introduce now? A No, that is all I know.
Q Do you care for any time in which to introduce other testimony?

By Mr. J. G. Ralls, attorney for applicants: We will want thirty days time to get the depositions of the sisters of John Pebsworth; they live in Curtis, Clark County, Arkansas, and both are very old ladies, and we will necessarily have to take their depositions.

By the Commission: Thirty days time from the date hereof is allowed this applicant on motion of Counsel, in which to introduce such other testimony in support of this application as may be desired by this claimant, provided the same is introduced under the rules of the Commission.

By Mr. Ralls:

- Q You say you were talking with Mary Glover last Tuesday night?
A Yes sir, I stayed all night with her.
Q Now, Mary Glover is an own aunt of your deceased husband, Louis P. Pebsworth? A Yes sir.
Q She lives in Clark County, Arkansas? A Yes sir.
Q And she has a sister named Matilda has she? A Yes sir.
Q Do you know whether Mary Glover speaks the Choctaw language?
A No sir, I don't think she does.
Q Do you know whether Matilda speaks the Choctaw language? A No sir, I never heard her talk any.
Q Did Mary Glover ever visit you while your husband, Louis P. Pebsworth, was living? A Yes sir, there lots of times, and would stay a week or two at a time, I am well acquainted with her.
Q In reference to that conversation that you had with her Tuesday night in regard to her father and mother, is it not a fact that she said her father was a white man and her mother was a full blood Choctaw? A I have forgot what she did say, if she said that I don't recollect how she did tell it. She speaks very fast, and I am hard to understand anyway.
Q Then all you know about the mother of Mary Glover and her father was what she told you? A Yes sir.

Ada F. Champion-----16.

- Q Did you ever hear that her father and mother or either of them was put on the old Choctaw roll in Mississippi? A No sir, I don't know, I don't know whether she ever told me anything about that.
- Q Then you don't know much about this question of Indian blood? A No sir, I don't know much about it only just what I heard them say.
- Q Did you ever hear your husband, Louis P. Fobsworth, talking in the Choctaw language to Choctaw Indians? A Yes sir, I have heard him, some few words; we went to the Nation and I heard him talking some to the Indians, but I could not understand nothing they would say.
- Q Where in the Nation was it that you heard him talk it? A Close to up there - I can't just tell you where, just in the Nation there.
- Q Near what post office or what town? A I have forgot the name of the town.
- Q What part of the Nation was it? A The Choctaw Nation where they was at.
- Q What part of it? A I don't know.
- Q Next to Arkansas or Texas? A I don't know whether it was next to Texas or Arkansas.
- Q Do you remember any town you went through? A Lafloro.
- Q That is on the Frisco road is it not? A Yes sir, they went the Frisco road, I recollect going the Frisco road, Lafloro is the place.

By the Commission:

- Q Give me a description of the personal appearance of your girl, Vassie, is she dark or light skin, describe her eyes and complexion? A She has right black eyes, both children black eyes.
- Q How is Vassie's hair? A Dark, it has been black but is now burnt now, light headed I call her; she has right black eyes.
- Q Light brown hair? A Yes sir.
- Q How is her complexion, light or dark? A She has what I call a light complexion.
- Q How is Vold's hair? A It is not as light as Vassie's.
- Q It is light brown? A Yes sir, rather dark brown.
- Q Eyes are black? A Yes sir.
- Q What complexion? A He is light too.
- Q Is there anything further you want to say? A No sir.

By Mr. Ralls:

- Q What was the complexion of your husband, Louis P. Fobsworth? A Dark complexion, black hair, black eyes and black mustache, he was dark.

W. H. Martin being first duly sworn on oath states that as Stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 15th day of August, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the case.

Subscribed and sworn to before me this 14 day of August, 1903.

W. H. Martin
Guy L. V. Emerson
Notary Public.

M.C.R. 6144

Muskegee, Indian Territory, August 27, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communications of the 22nd and 23rd inst., enclosing the affidavit of Ada F. Champion, an applicant before the Commission to the Five Civilized Tribes for the identification of her two minor children, Vassie V. and Vold Pebsworth, wherein she sets forth her reasons for desiring to have the depositions of Mary Clover and Matilda Clover taken in support of said application; also a copy of the interrogatories to be propounded to said witnesses and proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form, have been filed with and made a part of the record in the above application, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission authorizing the taking of these depositions will be issued and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Acting Chairman

M.C.R. 6144 and
6145

Muskogee, Indian Territory, September 9, 1902

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of Mary Clever, to be read in evidence in the application for the identification of Vassie V. Pebsworth, et al., as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes. Attached to this commission you will find direct and cross interrogatories to be propounded to the witness, also caption and certificate to be filled out by the notary before whom this deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition have same returned to this office, in order that the application of Vassie V. Pebsworth, et al., may be brought to a final determination.

Yours truly,

Acting Chairman

Enclosure G.H. 56

Miss. Choctaw 6144
Miss. Choctaw 6148

Muskogee, Indian Territory, October 22, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 20, inclosing certified copy of patent to land issued to Henry Pebworth under the fourteenth article of the treaty of 1830, which you ask to have filed in support of the applications for identification as Mississippi Choctaws of Vassie V. Pebsworth, et al. and Roscoe W. Pebsworth, et al. The same has been filed with the records in this case and will receive consideration in the disposition thereof.

Respectfully,

Acting Chairman.

Miss. Choctaw 6145

Muskogee, Indian Territory, November 15, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, asking that the application of Vassie Pebsworth, et al. for identification as Mississippi Choctaws be held open for the reason that there are other descendants of Henry Pebworth who will make application soon whose cases you desire to have consolidated with Vassie V. Pebsworth, et al.

In reply to your letter you are advised that if you will make some definite statement relative to the length of time you desire to have these cases held open the matter will receive consideration.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, March 26, 1903.

T. J. Cole,

Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing certified copies of marriage record between the following parties:

J. A. Franklin and Lou Karr, dated May 15, 1895,
James Draper and Rosy Karr, dated February 5th, 1899,
Alonzo Carr and Nancy J. Pebsworth, dated February 14, 1875,
J. M. Clover and Mecla L. Karr, dated February 13, 1890,
J. M. Clover to Agnes Walton, dated September 16, 1900,
Joseph Pebworth and Elizabeth C. Clover, dated March 27, 1857,
W. H. Clover and Miss M. W. Denson, dated October 14, 1891,
David Pebsworth and Margrett Buckley, dated February 2, 1888,
J. M. Pebsworth and Saphrona Gilman, dated February 20, 1888,
Wm. Pebsworth and Florence Stanfield, dated April 13, 1882,
Carolina Pebworth and Sam J. Jordan, dated November 17, 1847,
Wm. M. Clover and Talitha J. Hollingsworth, dated May 5, 1870,
Eli Clover and Matilda Pebsworth, dated October 29, 1851,

Also Affidavit of Dudley Spence relative to the marriage of Wm. C. Clover to Mary A. Pebworth.

The above mentioned documents have been filed in their respective cases.

Respectfully,

Chairman.

M C R 6144

Muskogee, Indian Territory, April 18, 1903.

T. J. Cole,
Attorney at Law,
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that you wish to submit the depositions of two witnesses in support of the Mississippi Choctaw case of Vassie V. Pebsworth, et al., and ask that a copy of the rules for taking depositions.

In compliance with your request a copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws is herewith enclosed you.

Respectfully,

Chairman.

R & R Dep.

Muskogee, Indian Territory, April 24, 1903.

Mary Clover,
Curtis, Arkansas.

Dear Madam:

It appears from our records that on February 27, 1903, you appeared before the Commission at Muskogee, Indian Territory, and made application for identification as a Mississippi Choctaw, claiming descent from Patsy Pebworth.

In order for the Commission to determine your right to such identification it is necessary that the Commission be supplied with certain information as to the names and ages of the children of the said Patsy Pebworth, and for the purpose of obtaining this information in proper form there is enclosed you herewith a blank affidavit in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning the same to this Commission without unnecessary delay in the enclosed envelope which requires no postage.

Respectfully,

McM 178 & Env.

Commissioner in Charge.

M C R 6144

Muskogee, Indian Territory, April 24, 1903.

Matilda Clover,
Curtis, Arkansas.

Dear Madam:

It appears from our records that on February 27, 1903, you appeared before the Commission at Muskogee, Indian Territory, and made application for identification as a Mississippi Choctaw, claiming descent from Patsy Pebworth.

In order for the Commission to determine your right to such identification it is necessary that the Commission be supplied with certain information as to the names and ages of the children of the said Patsy Pebworth, and for the purpose of obtaining this information in proper form there is enclosed you herewith a blank affidavit in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning the same to this Commission, without unnecessary delay, in the enclosed envelope which requires no postage.

Respectfully,

Commissioner in Charge.

McM 6144 & Env.

M C R 6144
M C R 7243
M C R 7245

Muskogee, Indian Territory, May 23, 1903.

T. J. Cole,
Attorney at Law,
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing the following:

Marriage license and certificate between J. G. Lehw and Willie White, offered in support of the Mississippi Choctaw case of Willie Lehw, et al.

Affidavits of Mary Clover and Matilda Clover offered in support of the Mississippi Choctaw case of Henry Tucker, et al.

Affidavits of G. B. Cannon and J. M. Tucker offered in support of the Mississippi Choctaw case of Henry Tucker, et al.

The above mentioned papers have been filed with the record in the respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 23, 1903.

T. J. Cole,
Attorney at Law,
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you state that you represent all the applicants in the consolidated Mississippi Choctaw case of Vassie V. Pebsworth, et al., except the children of Ada Champion and Emma Barnes; that you have furnished the best evidence obtainable and wish these cases passed on at an early date.

In reply you are informed that the Commission has not up to the present time rendered any decision relative to the rights of the several applicants included in the consolidated Mississippi Choctaw case of Vassie V. Pebsworth, et al., to be identified as such Mississippi Choctaws. As soon as a decision is rendered the applicants will be duly notified of the action of the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 27, 1903.

Ada F. Champion,
Halfway, Arkansas,

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Vassie V. Pebsworth and Vold Preston Pebsworth as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event that no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 14, 1904.

A. F. Hembree,
Arkadelphia, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, 1903, in which you state that you have two children who have a right in the Territory, and ask if they may remove next summer.

In reply you are informed that it appears from our records that on October 27, 1903, the Commission rendered a decision identifying the several applicants included in the Mississippi Choctaw case of Matilda Clover, et al., of which the application made by you for the identification of your two minor children, Vassie V. and Vold P. Pebsworth, is a part.

On November 17, 1903, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, filed a motion for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and said motion was denied by the Department on January 13, 1904.

You are further advised that the Commission, on January 13, 1904, forwarded to the Department the original record in the matter of the application of Matilda Clover, et al., for identifi-

A P H 2

oation as Mississippi Choctaws, together with its decision of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision, and you will be duly notified of such departmental action as may be taken in said case.

As advised in our former letter, the six months within which duly identified Mississippi Choctaws must remove to and make settlement in the Choctaw-Chickasaw country begins to run from the date on which they were identified by the Commission. Therefore, it will be necessary that your children make settlement in the Choctaw-Chickasaw country on or before April 27, 1904.

Respectfully,

Chairman.

M C R 6144
M C R 6145

Muskogee, Indian Territory, February 2, 1904.

J. B. O'Bryan,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1904, enclosing our letter to you of the 21st ultimo, and stating your reasons for desiring the names and post office addresses of the parents or guardians of Vassie V. Pebsworth, Void Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth, and Marshall H. Pebsworth, who were identified by this Commission as Mississippi Choctaws on October 27, 1903.

In reply you are advised that our records show that the mother of Vassie V. and Void P. Pebsworth is Mrs. A. F. Hembree, Arkadelphia, Arkansas, and that the mother of Roscoe W., Jephthar A. and Marshall H. Pebsworth is Mrs. Emma F. Barnes, Halfway, Arkansas.

Respectfully,

Commissioner in Charge.

K.O.N. 6144

Muskogee, Indian Territory, April 6, 1904.

Ada F. Champion,

Halfway, Arkansas.

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Vassie V. and Vaid P. Pobsworth as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

I. B. Needles.

Commissioner in Charge.

M.C.R. 6144

Muskogee, Indian Territory, April 12, 1904.

Ada F. Champion,
Halfway, Arkansas,

Dear Madam:

You are hereby notified that on the 8th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Vassie V. and Vold P. Pebsworth as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,
(SIGNED)

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 8, 1904.

Wilkins & McIntosh,

Attorneys-at-Law,

Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 29, 1904, enclosing a sworn statement signed by James Stuart, Wm. Phlin and Frank Taylor relative to the present residence of Vassie V. and Void Preston Pebsworth, identified Mississippi Choctaws. You ask if this is sufficient proof of their removal to and settlement within the Choctaw-Chickasaw country.

In reply to your letter you are informed that on October 27, 1903, the Commission identified Vassie V. and Void Preston Pebsworth as Mississippi Choctaws, and it will be necessary that proof of the removal to and settlement within the Choctaw-Chickasaw country by these persons be made before the Commission, either at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, within one year from October 27, 1903, or, in other words, prior to October 27, 1904. Respectfully,

Commissioner in Charge.

APPLICATION FOR ENROLLMENT AS AN IN-TERMARRIED CITIZEN.

Now comes Ada Francis Hembree, nee Pebworth, and shows to the COMMISSION TO THE FIVE CIVILIZED TRIBES

I.

That she was married to Louis Preston Pebworth, a Choctaw Indian by blood and a member of the Five Civilized Tribes, in Clark County, Arkansas, on or about the 29th day of December A.D. 1887 and lived and co-habited with him as her husband in said county and state and in the Indian Territory up to the time of his death, which occurred on July 3d 1899.

II.

That Vassie V. and Vold P. Pebworth were born unto this marriage and it appears from letters received from your Commission that they were identified as Mississippi Choctaws on Oct. 27th, 1903 and they have since said date had their respective tribal shares of lands allotted to them but from some cause unknown to this petitioner, her name was not enrolled as an in-termarried citizen. That her marriage certificate was filed with your Commission at the time her said children were enrolled and she herewith requests that the said marriage certificate be hereto attached and made a part of this petition and taken and considered as proof her said marriage as aforesaid. Petitioner further shows that she and her husband were recognized by the Choctaw Council as members of the tribe.

III.

The premises considered your petitioner would most respectfully petition and pray your Honorable Commission to enter her name upon the tribal rolls to the end that she may receive her allotment as an in-termarried citizen.

DOWNES & [REDACTED]
LAWYERS,
BOSWELL, IND. TER.

A. H. Hembree

Subscribed and sworn to before me on this 13th day of Oct.
A.D. 1906.

J. E. McHenry
NOTARY PUBLIC

Attorney for the applicant.

Rec'd March 31/04
mcm

United States of America,
Central District, I. T.

Proof of Removal and Settlement of Vassie V. Pebsworth and
Void Preston Pebsworth in the Indian Territory and the Choctaw Nation
thereof.

Comes now the undersigned and states that Vassie V. Pebsworth and
Void Preston Pebsworth are now residents of the Central District of
the Indian Territory and of the incorporated town of Durant, I. T., that
they have been living in said town and Territory continuously since
the first of March, 1904, and that they are personally well known to them. ^{affiants}

James Stewart

Wm Phlin

Frank Taylor

The above named, Jim Stewart of Durant, I. T., W. M. Phlin, of Durant, I. T.,
and Frank Taylor of Durant, I. T., having first been sworn by me state
that the above is true and correct. Subscribed and sworn to before
me this 30th day of March, 1904.

L. B. Williams

Notary Public Central District, I. T.

Commission expires
Oct. 26 - 1906

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES

In the Matter of the Application of
Ada F. Champion, for the Identification
of her two minor children, Vassie Pebsworth and
Void Pebsworth, as Mississippi Choctaws and
In the Matter of the Application of
Emma F. Barnes, for the Identification of her
three minor children, Roscoe W. Pebsworth,
Japthar A. Pebsworth and Marshal H.
Pebsworth, as Mississippi Choctaws.

NOTICE TO TAKE DEPOSITIONS.

To Messrs. Mansfield, McMurray and Cornish, Attorneys for the
Choctaw and Chickasaw Nations:-

You are hereby notified that on the 13th day of September, A.D.
1902, between the hours of 8 o'clock in the forenoon and 6 o'clock
in the afternoon, at the residence of Henry Pebsworth, about two miles
from Curtis, Clark County, Arkansas, the depositions of witnesses
will be taken on the part of the applicants in the above entitled
action to be used as evidence on the hearing of their applications.

Copies of interrogatories to be propounded to such witnesses are
hereto attached.

J. H. Balls
Attorney for Applicants.

United States of America
Indian Territory
Central District.

I, Benj. F. Hackett, United States Marshal, for
the Central District of the Indian Territory, do hereby certify that
I received the above and foregoing notice on the 23rd day of August,
1902, and that I served the same on the same day at the hour of
9 35 o'clock A M at the town of South McAlester, Indian Terri-
tory, by delivering a true and correct copy thereof, with copies of
the interrogatories attached thereto, to M. Mansfield one of
the members of the Law Firm of Mansfield, McMurray & Cornish,
Attorneys of record for the Choctaw and Chickasaw Nations.

B. F. Hackett
United States Marshal

By

E. J. Miller
Deputy

6144

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.

23 1902

ACTING CHAIRMAN

For Identification as a Mississippi Choctaw.

Date

Name *Ada F. Champion for*
2 minors.
 Age *37* — Blood — *WHITE.*

Post-Office, *Halfway, A. T. Ark.*

Father: of minor children

~~Father: Louis P. Pebsworth (d.)~~

Mother: *LOUIS P. PEBSWORTH*

Ada F. Champion, (d.)

children

Claim through their father

Louis P. Pebsworth — 1/4 cho.

children's Blood 1/8 cho.

Children:

Vassie V. Pebsworth F. 13

Void P. Pebsworth M. 7

Ada F. Champion, W., mother
of said two minor
children, makes app.
for them.

Stenographer

N. H. Martin

Choctaw MCR 6145

Roscoe W. Pebsworth
by

~~Emma~~ F. Barnes
(for 3 minors)

See MCR 6790

MCR 6145

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1902.

#6145.

In the matter of the application of Emma F. Barnes, a white woman, for the identification of her three minor children, Roscoe W., Jephthar A., and Marshal H. Pebsworth, as Mississippi Choctaws.

J. G. Ralls, Attorney for applicants.

Emma F. Barnes being first duly sworn testifies with reference to the application she makes for the identification as Mississippi Choctaws of her three minor children, Roscoe W., Jephthar A., and Marshal H. Pebsworth, as follows:

Examination by the Commission.

- Q What is your name? A Emma F. Barnes.
Q What is your age? A Thirty-three.
Q What is your post office address? A Halfway, Arkansas.
Q You are a white woman? A Yes sir.
Q Do you come before the Commission today to make application for the identification of your three minor children, Roscoe W. Pebsworth, Jephthar A. Pebsworth and Marshal H. Pebsworth, as Mississippi Choctaws? A Yes sir.
Q Do you claim Choctaw blood for them through your deceased husband? A Yes sir.
Q What was his name? A William Marshal Pebsworth.
Q He is dead? A Yes sir.
Q When and where did he die? A Right close to Halfway, Arkansas; he has been dead ten years the 31st day of last March.
Q You have since married again? A Yes sir.
Q What is the name of your present husband? A Sam Barnes.
Q Is he a white man or Indian? A He is a white man.
Q You do not claim any Choctaw blood for these children except through their father, William M. Pebsworth? A Yes sir, that is all.
Q How much Choctaw blood did William M. Pebsworth have? A He was a fourth I reckon, they say the children are an eighth, that would make him a fourth I reckon.
Q He would be twice as much as they, and twice one-eighth is one-quarter is it? A Yes sir.
Q Is that right? A Yes sir.
Q Then you claim one-quarter for William M. Pebsworth? A Yes sir.
Q Where was he born? A He was born in the Territory if I am not mistaken.
Q In the Indian Territory? A Yes sir.
Q Where in the Indian Territory? A I can't tell you that.

- Q Where did he live during his lifetime? A He lived in the Territory, and some time in Clark County, Arkansas, most of the time since he has been grown.
- Q Did he ever live in Arkansas? A Yes sir.
- Q When did he live in Arkansas? A After he got grown he lived there most of his life.
- Q In Arkansas? A Yes sir.
- Q Do you know whether his name was on the tribal rolls of the Choctaw Nation or whether he was recognized in any way as a member of the Choctaw tribe in the Indian Territory by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
- Q When and where were you married to your husband, William M. Pebsworth? A In Clark County, Arkansas.
- Q Do you remember the date? (Applicant presents a paper)
- Q On the 24th day of December, 1885? A Yes sir.
- Q This document which you introduce now is the marriage license and certificate of marriage is it, between you and your husband, William M. Pebsworth? A Yes sir.
- Q Do you want to introduce it in evidence and make a part of the record in this case? A Yes sir.

A certified copy of the marriage license and certificate of marriage between W. M. Pebsworth and Emmy Thomas presented by this applicant received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is W. M. Pebsworth whose name appears in this marriage license the same as William M. Pebsworth, your deceased husband? A Yes sir.
- Q And Emmy Thomas was your maiden name? A Yes sir.
- Q What is the name of your oldest child? A Roscoe W. Pebsworth.
- Q How old is Roscoe? A Fourteen.
- Q What is the name of your next child? A Jephthah A. Pebsworth.
- Q How old is Jephthah? A Twelve.
- Q What is the name of the next? A Marshall H. Pebsworth, he is ten years old.
- Q You now come before the Commission to make application for these three minor children, claiming their Choctaw blood through their father, William M. Pebsworth? A Yes sir.
- Q Do they derive their Choctaw blood through any other source than through him? A No sir.
- Q Are the names of these three minor children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I don't suppose they are.
- Q Did you, or anyone else, ever make any application for them to the Choctaw tribal authorities to be enrolled as citizens of the Choctaw Nation? A No sir.
- Q Did you or anyone else in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for these children under the act of Congress approved June 18, 1896? A No sir.
- Q Have these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Have you, or anyone else, ever made any application before this time for them to be enrolled as members of the Choctaw tribe of Indians to either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Emma F Barnes-----5

- Q Do you come before the Commission today to identify these three minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I don't know whether I do or not.
- Q Do you know what a treaty is? A No sir, I don't.

A treaty is a contract in writing made between two or more Nations instead of an agreement or contract in writing made between two or more individuals. It is called a treaty because it is made between Nations instead of between individuals or corporations or partnerships. The object of the treaty of 1830 was to remove all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river, which is partly in the state of Alabama and partly in the state of Alabama, from that old Nation to the Choctaw Nation, Indian Territory. The Indians who lived in the old Choctaw Nation had their rights encroached upon by the citizens of the states of Alabama and Mississippi to such an extent that they were practically deprived of their rights. They appealed to the government and the government said it could not protect them unless they removed to government land, and it was for the purpose of protecting them that the treaty of 1830 was made, by which treaty the Choctaw Indians agreed to go from the old Nation to the new Nation west of the Mississippi river. This treaty was made at Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and was ratified on the 24th day of February, 1831. Before the treaty was signed it became known that a good many Choctaw Indians would not go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, under the treaty. Some provision had to be made for them in the treaty; that provision is contained in article fourteen of the treaty. After that article was inserted in the treaty it was signed and afterwards ratified. Article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying their intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you are making this claim for these children today: do you think you understand the provisions of that article well enough to make this application for these children? A I think I do.

- Q Do you know whether any of the ancestors of these three minor children complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't.
- Q What is the name of the ancestor of these children who had Choctaw blood who lived in Mississippi in 1830, or any time before that, through whom you make this claim for these children now? I refer by ancestor to either father, mother, grandfather, grandmother, great grandfather or great grandmother, or great great grandfather or great great grandmother, any ancestor in a direct line back, as far back as 1830? A Henry and Patsy Pebsworth.
- Q How do you spell Pebsworth? A P-e-b-s-w-o-r-t-h is the way I spell it.
- Q Who was Patsy Pebsworth? A I can't tell you, Henry's wife.
- Q Did Patsy Pebsworth have any Choctaw blood or was she a white woman? A I can't tell you.
- Q You do not know whether she was a white woman or Indian? A No sir, I don't.
- Q How much Choctaw blood did Henry Pebsworth have? A I don't know, I thought he was a full-blood.
- Q What relation was Henry Pebsworth to these three minor children, Roscoe, Jephthar and Marshal? A He was their great grandfather.
- Q Did Henry Pebsworth and his wife, Patsy, live in the state of Mississippi at any time? A I don't know sir, whether they did or not.
- Q Did Henry Pebsworth and his wife, Patsy, have a son named John? A Yes sir.
- Q Was he in any manner related to these three minor children for whom you are now making application? A Yes sir, a grandfather.
- Q Was William M. Pebsworth a son of John? A Yes sir.
- Q Did John Pebsworth ever live in the state of Mississippi? A I don't know sir.
- Q Did any of the Choctaw ancestors of these three minor children live in the state of Mississippi or in the state of Alabama? A No sir.
- Q None of them? A If I understood you?
- Q Did any of them ever live in the state of Mississippi or Alabama? A I don't know whether they did or not.

In order for you to have a full explanation and better understanding of this application that you are making for these three minor children the Commission will explain to you that it is necessary for you to establish this fact: That these three minor children had a Choctaw ancestor who did live in the old Choctaw Nation at some time; if you come before the Commission claiming under article fourteen of the treaty of 1830 it will be necessary to show that they had a Choctaw ancestor who not only lived in the old Choctaw Nation, either in Mississippi or Alabama in 1830, but that they had a Choctaw ancestor who was the head of a family there then, and further that he complied or attempted to comply with article fourteen of the treaty of 1830, which has been read and explained to you.

- Q Now, did you ever hear from any source whatever that Henry Pebsworth or his son John Pebsworth lived in that old Choctaw Nation over there east of the Mississippi river and had a family of children living there in 1830? A I never heard anyone say; I can't tell you that.

- Q Do you know any brothers or sisters of John Pebsworth, the grandfather of these children? A Yes sir, I know two sisters.
- Q Give their names? A Mary Clover and,-- I stayed all night with them the other night, but I can't think of the other name, Matilda.
- Q What is her other name, Matilda what? A Clover.
- Q Are they both married? A Yes sir.
- Q And both married men named Clover? A Yes sir.
- Q Brothers? A Yes sir.
- Q Where does Mary Clover live? A Arkansas, Clark County.
- Q What post office address if you know? A Curtis.
- Q How old is Mary Clover? A She is about seventy-eight I suppose.
- Q How old is Matilda? A About eighty.
- Q Did you ever hear either of them say they lived in Mississippi? A No sir, I never heard them say.
- Q How old would their brother, John Pebsworth, be if living now? A I don't know sir, I never heard anybody say.
- Q Do you know where he was born? A No sir, I can't tell you that.
- Q Do you know where he lived during any portion of his life? A In Arkansas part of the time, he lived in the territory most of the time.
- Q Was he born in Arkansas? A I can't tell you.
- Q Did he die in the Territory? A Yes sir.
- Q Where, do you know? A Whelook.
- Q In the Choctaw Nation, Indian Territory? A Yes sir.
- Q You never heard anybody say he lived in Mississippi? A No sir.
- Q And you don't know how old he would be if he were living now? A No sir, I just don't know.
- Q You never heard Mary Clover or her sister, Matilda, say that they ever lived in Mississippi? A No sir.
- Q They are the children of Henry Pebsworth and his wife, Patsy? A Yes sir.
- Q You are sure that Henry Pebsworth was a full blood Choctaw Indian? A I think so, yes sir.
- Q Did you ever hear that Patsy was a white woman? A No sir, I don't know.
- Q Did he ever have any other wife except Patsy? A I don't know that either.
- Q Did you ever hear that Henry Pebsworth lived in Mississippi in 1830 and was the head of a family there then? A No sir, I never heard anyone say.
- Q Did you ever hear that his son, John, or any other ancestor of these three minor children lived in Mississippi in 1830 and was the head of a family there and complied with article fourteen of the treaty of 1830? A No sir, I never heard.
- Q Could Henry Pebsworth or his son, John, speak the Choctaw language? A Yes sir, John Pebsworth could.
- Q Did you know John Pebsworth? A No sir, never seen him.
- Q How do you know he could speak the Choctaw language? A I have heard my mother say he could.
- Q Did either Henry Pebsworth or his son, John, have Choctaw Indian names? A I don't know sir.
- Q Did you ever hear that Henry Pebsworth's name was upon any list or roll made by the United States government of Choctaw Indians who had rights under article fourteen of the treaty of 1830? A No sir.

- Q Did Henry Pebsworth have any brothers or sisters? A I don't know.
- Q Did John Pebsworth have any except Mary Glover and Matilda Glover? A Not as I know of. He did too, I have seen their children, one married a Davis I know.
- Q A daughter of John Pebsworth married a Davis? A His sister, I have seen some of my husband's cousins by the name of Davis.
- Q Have any of the relatives of these three minor children ever been before the Commission to be identified as Mississippi Choctaws except Ada F. Champion, who applies for her children, Vassie and Void? A No sir.
- Q Would you like to have this case consolidated with the application made by Ada F. Champion for her two minor children so that both may be considered together? A Yes sir.
- Q Did any of the Choctaw ancestors of these minor children for whom you make application own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1831? A Not as I know anything about.
- Q Did any of the Choctaw ancestors of these minor children within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, not as I know anything about.
- Q Did any of the Choctaw ancestors of these three minor children go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1835 and 1838 or 1840? A I don't know sir.
- Q Did any of the Choctaw ancestors of these three minor children own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation, under article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's Register. His neglect to make a proper registration of all of the names of applicants who came before him within the six months after the treaty of 1830 was ratified caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaws that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of the Choctaw ancestors of these three minor children went before either of these Commissions, the Commission of 1837 or the Commission of 1842, and claimed any benefit

Mama F Barnes-----7

benefits as Choctaw Indians under article fourteen of that treaty? A No sir, I don't know.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, where it also further appeared that he had had land in Mississippi which the government had taken from him and sold, that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect would be given him. These certificates were called scrip.

- Q Did any of the Choctaw ancestors of these children ever receive any such scrip from the government as Choctaw Indians? A Not as I know of.
- Q Have you any other evidence that you want to introduce now in support of this application you make for these children? A No sir.
- Q Do you want any time in which to introduce other testimony?

By Mr Ralls, attorney for applicants: We want thirty days also in this case.

By the Commission: Thirty days time is allowed this applicant from the date hereof in which to introduce other testimony in support of this application, if introduced under the rules of the Commission.

- Q Do these children of yours speak the Choctaw language? A No sir, they don't know nothing about speaking the Choctaw language at all.
- Q Give the personal description of your son, Roscoe? A He has dark skin, black eyes, dark hair.
- Q What is the description of Jephthah? A Dark eyes, they are not black.
- Q Dark blue? A No sir, dark brown; tolerably light hair, he is light complected, fair skin.
- Q How about Marshal? A Dark eyes.
- Q Blue or brown? A Brown.
- Q What is the color of his hair? A Dark hair.
- Q Is it black? A No sir, his hair ain't black.
- Q Complexion of these children dark or light? Roscoe and Marshal dark, Jephthah light.

By Mr Ralls:

- Q What was the complexion of your husband? A He was dark, black hair and black eyes.
- Q Do you know whether he could speak the Choctaw language? A He could, yes sir, he could talk the Choctaw language but did not talk that way very much; he could talk to the Indians whenever he was with them.
- Q What relation was your husband to these old ladies you speak of by the name of Glover? A He was their nephew.
- Q You don't know anything about the Choctaw blood of Henry Pebsworth and his wife except what you heard them say? A No sir.
- Q Do you remember whether they said Henry Pebsworth, their father, was a white man or Indian? A No sir, I don't know.

Emma F Barnes-----3

- Q Do you know which one of their parents had Choctaw blood, their father or mother, I speak now of the old ladies, Glover? A I think their blood came from their father's side.
- Q Did you hear them say so? A Yes sir, I asked them the other night.
- Q Which one did you ask? A Aunt Mary Glover.
- Q She told you that her father was a full blood Indian, did she? A Yes sir.
- Q What did she say about her mother? A I don't recollect asking her that.
- Q Was there anybody present when she was talking to you about it? A No sir, not then.
- Q Did she talk to you in the presence of anybody anything about this? A She did, yes sir.
- Q Now to refresh your memory did she not say her mother was a full blood and her father was a white man? A It may be that she did tell me that, I just can't recollect.

By the Commission:

- Q Your best recollection is as you have testified in direct examination that her father, Henry Pebsworth, was a full blood Indian? A Yes sir.
- Q That is the best you can recollect it now? A Yes sir.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 24 day of August, 1902.

Guy L. V. Emerson
Notary Public.

Before the Commission to the Five Civilized Tribes

In the matter of the application of

Ada F. Champion, for the Identification

of her two minor Children, Vassie Pebsworth and

Void Pebsworth, as Mississippi Choctaws and

In the matter of the Application of

Emma F. Barnes for the Identification of

her three minor children, Roscoe W.

Pebsworth, Jephthar A. Pebsworth and

Marshal H. Pebsworth, as Mississippi

Choctaws

APPLICATION TO TAKE DEPOSITIONS.

Comes now Ada F. Champion and shows to this Commission that she and Emma F. Barnes have this day made personal application to this Commission to have their minor children identified as Mississippi Choctaws and that their said children claim their rights through common ancestors, to-wit: Henry Pebsworth and Patsy Pebsworth, and that there are living near Curtis Clark County Arkansas, two daughters of the said Henry and Patsy Pebsworth and that their names are Mary Clover and Matilda Clover and that they are about 73 and 80 years old respectively, and that they are old and too feeble to appear in person and testify. That they will swear that they are own daughters of the said Henry and Patsy Pebsworth and that they were born in the state of Mississippi and that the said Henry Pebsworth is on the old Ward Rolls and that they were recognized members of the Choctaw Nation in 1830 and were living there at that time, and that their parents complied with the provisions of article 14 of the treaty of 1830. They will swear that the children of these applicants are the lineal descendants of the said Henry and Patsy Pebsworth and that they are 1/8 Choctaw Indian blood

Subscribed and sworn to before me this the 15th day of Aug. 1902.

My Comm. Ex. 7/2/06.

Ada F. Champion
Ernest B. Brown
Notary Public.

-----C O P Y -----

State of Arkansas)
County of Clark)

Personally appeared before me Asa Townsend a Notary Public in and for the County of Clark and State of Arkansas, W. H. Callaway of Arkadelphia Arkansas deposes and says that he is acquainted with Mary A. Clover formerly Pebworth and knew her to be a half breed Choctaw Indian, being the Legal Heir of Patsey Pebworth formerly McCan who was a full Blood Choctaw Indian woman and was Recognized as such by all who knew her she the said Mary A. Clover is a half Breed Choctaw Indian and a Daughter of Patsey Pebworth formerly Patsey McCan and is readily seen that Mary A. Clover is a one half Breed Choctaw Indian.

My postoffice address is Arkadelphia, Arkansas, and am 70 years of age.

W. H. Calloway

Sworn to and subscribed before me this 2nd day of Sept^r 1896.

(Seal)

Asa Townsend, N.P.

My Commission)
Expires Mch 27th 1897)

Notary Public

I, Gertrude Hanna, upon my oath state that I am a stenographer in the employ of the Commission to the Five Civilized Tribes, and that as such stenographer I made the foregoing transcript which is a true and correct copy of the original papers now on file with said Commission

Subscribed and sworn to before me this 9th day of February, 1903.

Gertrude Hanna
Charles H. Sawyer
Notary Public

C O P Y

State of Arkansas }
County of Clark }

Personally appeared before me Asa Townsend a Notary Public in and for the County of Clark and State of Arkansas Samuel D. Calloway of Arkadelphia Arkansas Deposes and says that he is acquainted with Mar A. Clover and know her to be a half breed Choctaw Indian being the Legal heir of Patsey Patsey Pebworth formally McCan who was a full Blood choctaw Indian woman and was Recognized as such by all who knew her the said Mary A. Clover is a half Breed Choctaw Indian, and a Daughter of Patsey Pebworth formally McCan and is Readily seen that Mary A. Clover is one half Breed Choctaw, Indian. My post office address is Arkadelphia, Arkansas.

S. D. Calloway

Sworn to and subscribed before me this 2nd day of Sept.
1896.
(Seal)

Asa Townsend N.P.

Notary Public

My Commission)
Expires Mch 27*1897)

Endorsements on Back

759
Mary A. Clover
v
Choctaw Nation

Filed Sept. 8, 1897
A. S. McKennon
Com'r

Rejected

Application of Mary A. Clover
For citizenship

Winthrop, Ark. -----

I Gertrude Hanna, upon my oath state that I am a stenographer in the employ of the Commission to the Five Civilized Tribes, and that as such stenographer I made the foregoing transcript,

which is a true and correct copy of the original papers now on file
with said Commission.

Arthur Hanna

Subscribed and sworn to before me this 9th day of
February, 1903.

Charles H. Sawyer

Notary Public

APPLICATION FOR ENROLLMENT AS AN IN-TERMARRIED CITIZEN.

Now comes Ezra Francis Barnes, nee Pebworth, and shows to the Commission to the Five Civilized Tribes:

I.

That she was married to William Marshal Pebworth, a Choctaw Indian by blood and a member of the Five Civilized Tribes, in Clark County, Arkansas, December 24th 1885 and lived and cohabited with him as man and wife in the county and state aforesaid and in the Indian Territory up to the time of his death, which occurred March 1892.

II.

That Roscoe W., Jephthar A. and Marshal H. Pebsworth were born unto this marriage and it appears from the letters received from the Commission that these children were on Oct. 27th 1903 recognized by the Commission as Identified Mississippi Choctaws and that they have since been enrolled and allotted as members of the Choctaw Tribe of Indians; but from some cause unknown to this petitioner her name was not enrolled as an intermarried citizen and that her marriage certificate was filed with the Commission to the Five Civilized Tribes on the said 27th day of Oct. 1892 and she herewith requests that the said certificate of marriage be attached hereto and made a part hereof and taken and considered as proof of the said marriage as aforesaid.

III.

She further shows to your Honorable Commission that she and her said husband were recognized by the Choctaw Council as members of the said Tribe and thereby entitled to be enrolled as such.

IV.

Wherefore the premises considered your petitioner would most respectfully petition and pray your Honorable Body to enroll her name as an in-termarried citizen to the end that she may have her just and equitable share of land allotted to her as such in-termarried citizen.

Emma F. Barnes

Subscribed and sworn to before me on this 13th day of October A.D. 1906.

J. E. McLeary
NOTARY PUBLIC.

Attorney for the applicant.

DOWNS & BROS.
LAWYERS,
BOSWELL, IND. TER.

-C O P Y ----

EXECUTIVE OFFICE

Choctaw Nation

Jeff. Gardner
Principal Chief

Eagletown, Ind. Ter. Sept. 7th, 1896.

To the Commission

To the Five Civilized Tribes

This is to certify that the verified copy of an application affidavits etc. for the rights of citizenship in the Choctaw Nation received from Mary A. Clover applicant, at this office, on the 7th day of Sept. 1896.

In Testimony whereof, I have hereto signed my name and caused the Seal of this Nation to be affixed at the Executive Office of the Choctaw Nation, on the day and year first above written.

Jeff Gardner
Principal Chief
Choctaw Nation

Attest
L.G. Battiest
Private Secretary
C.N.

(Seal)

I, Gertrude Hanna, upon my oath state that I am a stenographer in the employ of the Commission to the Five Civilized Tribes and that as such stenographer I made the foregoing transcript, which is a true and correct copy of the original papers now on file with said Commission.

Gertrude Hanna

Subscribed and sworn to before me this 9th day of February,
1903.

Charles H. Sawyer

Notary Public

M.C.R. 6144, 6145

Muskogee, Indian Territory, Sept. 9, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of Mary Clover, to be read in evidence in the application for the identification of Vassie B. Pebsworth, et al., as Mississippi Choctaws, pending before the Commission to the Five Civilized Tribes. Attached to this commission you will find direct and cross interrogatories to be propounded to the witness, also caption and certificate to be filled out by the notary before whom this deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition, have same returned to this office, in order that the application of Vassie B. Pebsworth, et al., may be brought to a final determination.

Yours truly,

Acting Chairman

Enclosure
G.H. 85

Miss. Choctaw 6144
Miss. Choctaw 6145

Huskogee, Indian Territory, October 22, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 20, inclosing certified copy of patent to land issued to Henry Pebworth under the fourteenth article of the treaty of 1830, which you ask to have filed in support of the applications for identification as Mississippi Choctaws of Vassie V. Pebworth, et al. and Roscoe W. Pebworth, et al. The same has been filed with the records in this case and will receive consideration in the disposition thereof.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, October 27, 1903.

Emma F. Barnes,

Halfway, Arkansas,

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Roscoe W. Pebsworth, Jephthar A. Pebsworth and Marshal H. Pebsworth as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such pretest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such pretest is filed by the attorneys for the Nations you will be notified thereof, but in the event that no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

M C R 6144
M C R 6145

Muskogee, Indian Territory, February 2, 1904.

J. B. O'Bryan,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1904, enclosing our letter to you of the 21st ultimo, and stating your reasons for desiring the names and post office addresses of the parents or guardians of Vassie V. Pebsworth, Void Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth, and Marshall H. Pebsworth, who were identified by this Commission as Mississippi Choctaws on October 27, 1903.

In reply you are advised that our records show that the mother of Vassie V. and Void P. Pebsworth is Mrs. A. P. Hembree, Arkadelphia, Arkansas, and that the mother of Roscoe W., Jephthar A. and Marshall H. Pebsworth is Mrs. Emma P. Barnes, Halfway, Arkansas.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 6, 1904.

Emma F. Barnes,

Halfway, Arkansas.

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Roscoe W., Jephthar A. and Marshal H. Pebsworth as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

S. B. Moulton

Commissioner in Charge.

M.C.R. 6145

Muskogee, Indian Territory, April 12, 1904.

Emma F. Barnes,

Halfway, Arkansas,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Roscoe W., Jephthar A. and Marshal H. Pebsworth as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,
(SIGNED)

Commissioner in Charge.

Registered.

For Identification as a Mississippi Choctaw.

Date

Name *Emma F. Barnes, w.*
 for 3 minors -
 Age 33 Blood *white* -

Post-Office, *Halfway, Ark*
of child

Father: *William M. Peabworth, (d)*

Mother: *Emma F. Barnes, (d)*
children

Claim through *father, (d)*

William M. Peabworth,

childrens Blood 1/8

Children:

<i>Roscoe W. Peabworth,</i>	<i>1/8</i>	<i>14</i>
<i>Jepthar A. "</i>	<i>1/8</i>	<i>12</i>
<i>Marshall H. "</i>	<i>1/8</i>	<i>10</i>

Emma F. Barnes, w.
mother, claims for her
3 minors above,

Stenographer *W. H. Martin*

Choctaw MCR 6146

Josie Morris

See MCR 6065

MCR 6146

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1902.

#3146.

In the matter of the application of Josie Morris for the identification of herself and her four minor children, Lizzie May, Edgar Lee, Jessie U., and Davis Henry Morris, as Mississippi Choctaws.

Watkins & Rempendahl, Attorneys for Applicants.

Josie Morris being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Josie Morris.
Q What is your age? A Twenty-seven years old.
Q What is your post office address? A Willis, Indian Territory.
Q How long have you been living there? A Been living there three years.
Q Where were you born? A In Texas.
Q Where in Texas? A Comanche County, ne Johnson county.
Q How long did you live in Texas? A Been to the Territory about nine years.
Q Then you have lived in the Territory nine years and before that in Texas where you were born? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John S. Rhoads.
Q What is your mother's name? A Elizabeth Rhoads.
Q Has your mother made application to the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q John S. Rhoads is how related to you? A My brother.
Q And is James W. Rhoads your brother? A Yes sir.
Q Would you like to have your case consolidated with the case of your mother, Elizabeth Rhoads, and others of your relatives? A Yes sir.

The case of Elizabeth Rhoads, et al., M. C. R. 6065, is here referred to for the purpose of consolidation.

- Q Through which parent do you claim your Choctaw blood? A On my mother's side.
Q How much Choctaw blood do you claim? A I don't know myself.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities of the United

Jessie Morris—8

States authorities in the Indian Territory? A Yes sir, I think she has.

- Q Has she not made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q She could not be enrolled is she has made application to be identified as a Mississippi Choctaw; you mean that she has made application before the Commission don't you? A Yes sir.
- Q You don't mean that she has been enrolled? A No sir, I don't reckon she has.

The records of the Commission show that the mother of this applicant, Elizabeth Rhoads, on July 15, 1902, made application for herself and two minor children to be identified as Mississippi Choctaws, M. C. R. 6065.

- Q That is what you mean? A Yes sir.
- Q How much Choctaw blood did your mother claim, do you know? A No sir, I don't know how much.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Fred Morris.
- Q Is he living? A Yes sir.
- Q Is he a white man or Indian? A White man.
- Q Do you make any claim for him? A No sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A My oldest child is seven years old.
- Q What is its name? A Lizzie May Morris.
- Q How old? A Seven.
- Q What is the name of the next? A Edgar Lee Morris.
- Q How old? A Five years old.
- Q The next? A Jessie U. Morris.
- Q How old is Jessie? A She will soon be three.
- Q Two now? A Yes sir.
- Q What is the name of the next? A Davis Henry Morris.
- Q How old is Davis? A Seven weeks old.
- Q Is Fred Morris the father of these children? A Yes sir.
- Q Are you and your husband living together as husband and wife? A Yes sir.
- Q Are these children all living with you? A Yes sir.
- Q You claim for yourself and these minor children? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know whether it is or not.
- Q Do you know whether application was ever made for yourself or for these children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I don't know whether there has or not.
- Q Have you ever heard that there has been? A No sir.
- Q If application had been made you would have known something about it? A I reckon so.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I can't tell you, I don't know anything about it.
- Q Did any one ever make application for you or for your minor children in the year 1896 for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress approved June 18, 1896? A I don't know sir.
- Q Have you ever made application before this time for yourself and minor children to either the Choctaw tribal authorities or

the United States authorities to be enrolled or admitted as citizens of the Choctaw Nation? A No sir.

Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A I don't know whether that is the treaty or not, I don't know anything about it.

Q You don't know anything about the treaty? A No sir, nothing about it.

Q Have you ever heard of the treaty of 1830? A No sir, - I have heard about it of course, but I don't know anything about it.

It was made between the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830, at a place in Mississippi called Dancing Rabbit Creek. The object of the government in making that treaty was to remove all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, and the reason why they wanted to remove them was because the Choctaw Nation in Mississippi and Alabama was under state laws, and the Indians who lived in that old Nation had their rights encroached upon by the citizens of those states. The theory was that the states had the right to make laws for their own citizens even if those laws encroached upon the rights of the Indians. The government wished to remove the Indians to its own territory in order that it might protect them there upon their own soil, which soil was not owned by any state or under the jurisdiction of any state. This removal could not be accomplished without the consent of the Indians themselves, which they obtained by their signatures in the treaty of 1830. But a good many Indians refused to go to the Choctaw Nation, Indian Territory under the treaty, and in order to protect their rights article fourteen was put into the treaty, which was then signed and afterwards on the 24th day of February, 1831, was ratified. It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't.

Q Do you think you understand that well enough to understand its general provisions and to make this claim under it? A Myself I don't.

- Q What is there about it that you don't understand? A I can't explain it.
- Q The treaty was a contract made between the government and the Indians, you understand that don't you? A Yes sir.
- Q And in that contract the Indians agreed to go to the Indian Territory? A Yes sir, I understand that.
- Q Some would not go, and before the treaty was signed an article, or a part of the treaty, was inserted, was put into the treaty, which stated that those Indians who wanted to remain in Mississippi could do so, and they could have land there and if they lived on it for five years could get a deed to it from the government, you understand that? A Yes sir.
- Q But before they had these rights and privileges they had to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there, you understand that? A Yes sir.
- Q If they did this within six months after the treaty was ratified then afterwards if they wanted to go to the Indian Territory they would have the right to go and become citizens with all the rights of members of that tribe in the Indian Territory, except the right to have any of the money payments that were given to these Indians who went under the treaty, you understand that don't you? A Yes sir.
- Q Do you know if any of your ancestors did those things? A No sir, I don't.
- Q You understand that treaty now do you? A Yes sir.
- Q What is the name of this ancestor of yours through whom you claim your right to be identified as a Mississippi Choctaw? A I can't remember his name, it was my great grandfather.
- Q What was his name? A I can't remember his name; I have been sick and am hard of recollection, - Gilmore, but I can't remember all of his name.
- Q Was it your great grandfather? A Yes sir, - my grandfather.
- Q Gilmore, would you remember the name if you heard it mentioned? A Certainly I would.
- Q Was it Stephen M. Gilmore? A Yes sir.
- Q And that is the Choctaw ancestor through whom you claim? A Yes sir.
- Q Did he live in Mississippi in 1830? A I can't tell you whether he did or not, yes sir, he lived there at that time, now I say he lived there at that time, I won't be positive about that.
- Q How much Choctaw blood did he have? A I think he claimed one half.
- Q Did he live in Mississippi and have a family of children there in 1830? A If he was not dead he lived there at that time. I think he died about seven years ago, I won't be positive.
- Q How old was he when he died? A He was it seems to me, it is just through letters my mother's sister would write back and we would hear that way, it seems like 87 or 88 years old.
- Q He would be about 90 or 94 years old if living now? A Yes sir, about that.
- Q Therefore he would have been 24 years old at the time of the ratification of the treaty? A Yes sir.
- Q Do you think he was living in Mississippi when he was 24 years old? A Yes sir.

- Q Was he married then? A Yes sir.
- Q Did he have a family of children then? A Yes sir.
- Q You think then your grandfather was living in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there at that time? A Yes sir.
- Q Through whom do you get this information? A Through first one and another of his relatives.
- Q As a matter of family history and tradition? A Yes sir.
- Q You get it from members of the family? A Yes sir.
- Q Could Stephen M. Gilmore, your grandfather, speak the Choctaw language? A I couldn't tell you.
- Q Did he have an Indian name? A I couldn't tell you that either.
- Q Where in Mississippi did he live? A I could not tell you, it seems like it was in Clark County, in the old Choctaw reservation.
- Q Do you know whether Stephen M. Gilmore lived in that part of the old Choctaw Nation which was in Mississippi or the part that was in Alabama? A I can't be positive which place.
- Q Do you think it was one or the other? A Yes sir, he did in one or the other.
- Q Did he or any of your Choctaw ancestors comply with article fourteen of the treaty of 1830? A I can't say for certain about that.
- Q Was he or any of your Choctaw ancestors recognized as members of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830 or 1831? A I can't tell you, our grandfather owned land one day and time there but it was a long time ago.
- Q Where did they get that land, from the government? A I suppose he bought it.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I can't tell you that.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, whose name was Colonel Ward, and tell him that they intended to stay in Mississippi, take land there and become citizens of the states? A Not that I ever heard of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A Not that I remember, I don't think they did.

In accordance with the provisions of Article fourteen of the treaty of 1830 those Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, under the treaty, were required if they wanted to take advantage of article fourteen of the treaty of Dancing Rabbit Creek to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. This caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their lands and improvements, they were taken

Josie Morris-----8

from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No sir, I don't know.
- Q The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him; these certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know anything about.
- Q Have you any evidence or other proof that you want to submit at this time? A No sir.
- Q Any witnesses that you want to call? A No sir.
- By Mr. Rampendahl, attorney for applicant: We would like further time in which to introduce other testimony if the Commission will allow it, in addition to the time already granted.
- By the Commission: Twenty-five days time from the date hereof is allowed this applicant in which to submit other evidence in support of this claim.
- Q Do you speak the Choctaw language? A No sir.
- By Mr. Rampendahl: We have a marriage certificate here that we would like to file if it is necessary.
- By the Commission: A certified copy of marriage license between F. M. Morris and Josie Rhoads is presented by this applicant, received, filed, marked "Exhibit A", and made a part of the records in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair, dark brown eyes, medium fair complexion; she does not understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Josie Morris-----7

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 27 day of August, 1903.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, February 6, 1903.

Josie Morris,

Willis, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Rhoads, et al., embracing the following applications for identification as Mississippian Cherokees:

Elizabeth Rhoads, et al.	M.C.R. 6065
John E. Rhoads, et al.	M.C.R. 6066
James W. Rhoads, et al.	M.C.R. 6067
Josie Morris, et al.	M.C.R. 6146

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Morgan Rhoads, Georgia Rhoads, John E. Rhoads,

Josie Morris,—2

Fula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Josie Morris, Lizzie May Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY:

M.C.R. 6146

Muskogee, Indian Territory, May 29, 1903.

Josie Morris,

Willis, Indian Territory.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Rhoads, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name

Jorie Morris.

Age

27

Blood

don't know

Post-Office,

Willis. I. T.

Father:

John S. Rhoads

l.

Mother:

Elizabeth ..

l.

Claims through

husband mother

Fred Morris, w. l.

No claim for husband

Children:

Lizzie May Morris, 7.

Edgar Lee " 5.

Jessie H. " 2

Davis Henry " 7 weeks.

Claims for self
and 4 minor

Stenographer

W. W. Martin

Choctaw MCR 6147

Andrew S. Allen

See MCR 5200

MCR 6147

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1902.

#6147.

In the matter of the application of Andrew S. Allen for the identification of himself and his minor child, Bertha Lee Allen, as Mississippi Choctaws.

No Attorney.

Andrew S. Allen being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew S. Allen.
Q What is your age? A Soon be twenty-one.
Q You are twenty now are you? A Yes sir.
Q What is your post office address? A Orr, Indian Territory.
Q Where were you born? A In Texas.
Q Where in Texas? A At Mount Campbell.
Q How long did you live in Texas? A I left there four years ago.
Q And have been in the Territory ever since? A Yes sir, lived in Texas about sixteen years.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William J. Allen.
Q What is your mother's name? A Mattie Allen.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Nothing more than he has been here.
Q He has made application to be identified as a Mississippi Choctaw has he? A Yes sir.
Q On the 15th day of April, 1902? A I am not positive, but might near about that time.
Q Do you want to have his case consolidated with yours and also the case of your brother? A Yes sir.

The case of William J. Allen, M. C. R. 5200, is here referred to for the purpose of consolidation of these cases.

- Q When and where were your father and mother married? A I don't know.
Q Have you the proof of their marriage with you now? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Bertha Allen.
Q She is living is she? A Yes sir.

Andrew S Allen-----2

- Q White woman or Choctaw Indian? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A One.
Q What is the name of that child? A Bertha Lee Allen.
Q How old? A One year old.
Q Is Doshia Allen the mother of Bertha Lee Allen? A Yes sir.
Q When and where were you married to Doshia Allen? A In the Chickasaw Nation, about two years ago.
A Can you give the exact date? A The 16th day of September, 1900.
Q By a Minister under a license? A Yes sir.
Q Have you the proof of your marriage with you now? A No sir, I have not.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you or any one for you or for your child ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
Q Did you or anyone for you or for your child ever make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application prior to this time for yourself or child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation in the Indian Territory for yourself and child under the provisions of the 14th article of the treaty of 1830? A Yes sir.
Q Do you understand article fourteen of that treaty? A No sir.

The treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of this treaty was to get the consent of the Choctaw Indians as a Nation to remove from that old Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Indians would not remove to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests and provide for the welfare of such Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; the treaty was then signed and later on, on February 24th 1831, was ratified. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is

Andrew S. Allen-----5

living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A Not as I know of.
- Q You think you understand that article well enough to claim under it? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William J. Allen.
- Q Who is that? A My father.
- Q He has made application to be identified as a Mississippi Choctaw, has he? A Yes sir, I think so.
- Q Whom did he claim through, what ancestor going back to 1830 if you can? A I don't know.

It is necessary for you to know who your Mississippi Choctaw ancestor is; you claim to be descended from a Mississippi Choctaw Indian, and you must show in order to support this claim of yours that he lived in Mississippi.

- Q Did you ever hear of any ancestor that lived in Mississippi? A No sir.
- Q Can you give the name of any relative of yours, going back through your father or grandfather, or grandmother, or great grandfather or great grandmother, or further back, who lived in the state of Mississippi? A No sir, I can't.
- Q How do you expect to prove your right to be identified as a Mississippi Choctaw? A All I get is from my father, is all I know; of course if there is a right for him there should be for me is all.
- Q Your father claims through what ancestor, do you know? A No sir, I don't.
- Q Do you now what your father's father's name was? A No sir.
- Q Did you ever hear of Jonathan C. Allen? A I have heard my father speak of that name is all.
- Q Who is he do you know? A He claimed he was his father, and grandfather of mine.
- Q Did you know that before I gave the name? A I have heard him speaking of it and claiming that he was his father.
- Q Then you have heard your father say that his father's name was Jonathan C. Allen? A Yes sir.
- Q Where did Jonathan C. Allen live? A I don't know.
- Q Did he ever live in Mississippi? A I don't know.
- Q You never heard anything further about him? A No sir.
- Q Do you know where he died? A No sir I don't.
- Q How old would Jonathan C. Allen be if living now? A I don't know how old he would be, very old I suppose.

Andrew S Allen-----4

- Q Did he or any other Choctaw ancestor of yours live in Mississippi in 1830 and have a family of children there then? A I don't know.
- Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi in 1830 who was the head of a family there then? A No sir.
- Q Can you give the name of any Choctaw ancestor of yours who complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear that any Mississippi Choctaw ancestor of yours lived in the state of Alabama in what was known as the old Choctaw Nation in 1830 and was the head of a family there? A No sir.
- Q Do you know that Jonathan G. Allen ever lived in either the state of Mississippi or Alabama? A No sir.
- Q Do you know that he ever lived in other state or territory than Mississippi, or do you know that he ever lived there? A No sir, I don't know anything about him at all.
- Q Can you trace your Choctaw ancestry back any further than your father? A No sir.
- Q You are not able to give the name of any ancestor who had Choctaw blood who lived at any time previous to your father? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in the year 1830 or 1831? A None that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838? A None that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not as I know of.
- Q Did any of them ever claim any land or receive any land from the government in Mississippi or Alabama in the old Choctaw Nation under a rticle fourteen of the treaty of 1830? A None that I know of.

It will be necessary for you to show that you are descended from a Mississippi Choctaw ancestor who formerly lived in Mississippi or Alabama in the old Choctaw Nation in the year 1830 and was the head of a family there at that time and who complied or attempted to comply with article fourteen of the treaty of 1830, in order that your claim may be considered as tending to prove your rights to identification under article fourteen of the treaty of 1830. You have a perfect right to make the application to be identified as a Mississippi Choctaw, and a judgment based upon the testimony you offer or present will be given, but so far you have not established a prima facie case, inasmuch as you are not able to give a Choctaw ancestor more remote than your own father, who has also made application to be identified as a Mississippi Choctaw. Your case will be consolidated and considered with his if you desire, so that whatever testimony he has given in his application will be considered as a part of your own application.

- Q Do you want your case consolidated with the case of William J. Allen? A Yes sir.

Andrew S Allen-----8

The case of William J. Allen, et al., M. C. R. 5200, is here referred to for the purpose of consolidation.

In accordance with the provisions of the 14th article of the treaty of 1830 those Indians who remained back there in the old Choctaw Nation in Mississippi and Alabama were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. His neglect to do so caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. And also in 1842 another Commission was appointed under an act of Congress approved August 23rd of that year, and this Commission went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of those two commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know whether they did or not.

The act of Congress approved August 23rd, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi, or in the states of Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States under this act of Congress? A Not that I know of.
- Q Have you any evidence that you want to introduce now in support of this claim? A No sir.
- Q Have any of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir, none that I know of.
- Q Have you any witnesses before the Commission today whom you want to introduce in support of your application? A No sir.
- Q Have you any written evidence that you want to introduce now? A No sir.
- Q Do you know of the existence of any written evidence showing that any of your ancestors ever complied or attempted to comply with article fourteen of the treaty of 1830 or ever received any benefits thereunder? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other relatives that are coming before the Commission to be identified as Mississippi Choctaws? A Yes sir, I have some.
- Q Who are they? A Two brothers and a sister, they were to meet

Andrew S. Allen-----6

me here today; one is Henry Allen.
Q Has he a family? A Yes sir.
Q How many children? A Two.
Q What are their names? A Harry and Lucy.
Q Now, the next? A Lee Allen.
Q Is he married? A Yes sir, he is married.
Q Has he any children? A No sir, he is not married now, he has been.
Q Where does Henry Allen live? A In the Chickasaw Nation.
Q What is his post office? A Orr.
Q And where does Lee live? A Same place.
Q Any other children? A My sister.
Q What is her name? A Della Richardson.
Q Where does she live? A She lives I think in the Chickasaw Nation below Stonewall a piece.
Q What is her post office address? A Franks, Indian Territory.
Q Is Orr in the Indian Territory? A Yes sir.
Q Has Della Richardson any children? A Yes sir.
Q How many? A She has four.
Q Can you give the names? A I can give the names of some of them, I think probably all.
Q Give the names? A Florence, Joe,
Q Is Joe a boy? A Yes sir, John B.
Q Next? A Jessie Lee.
Q A girl? A Yes sir.
Q Is that all? A Another child my sister has.
Q What is the name? A George Franklin.
Q Is there anything further you want to say now in support of your application? A No sir.

This applicant has the appearance of being descended from white parentage; black eyes, dark brown hair, dark complexion. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the case.

W. H. Martin

Subscribed and sworn to before me this 22 day of August, 1902.

L. V. Emerson
Notary Public.

Miss. Choctaw 6147
Miss. Choctaw 6203

Muskogee, Indian Territory, September 22, 1902

J. W. Allen,
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 18, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Marriage license and certificate between S. A. Allen and Docia Sanders, offered in support of the application of Andrew S. Allen, et al. for identification as Mississippi Choctaws.

Certified copy of marriage license and certificate between J. W. Allen and Cardella Bell Young, offered in support of the application of John W. Allen, et al.

The same have been filed with the records in the above cases and will receive consideration in their disposition.

Respectfully,

Acting Chairman.

M.C.R. 6147.

Muskogee, Indian Territory, January 31, 1903.

Andrew S. Allen,
Orr, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles K. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie

A. S. A. # 2.

Allen, Luititia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECORDED

Tams Bixby.

Acting Chairman.

Registered.

M. C. R. 6147.

COPY:

Muskogee, Indian Territory, July 24, 1903.

Andrew S. Allen,

Orr, Indian Territory.

Dear Sir:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

" No. 6147

For Identification as a Mississippi Choctaw.

Date

Name *Andrew S. Allen.*

Age *20 -* Blood *Levin. Knott.*

Post-Office, *Corr. I. T.*

Father: *William J. Allen, S*

Mother: *Mattie " S*

Claims through *father -*

wife.
Joshua Allen, S. W.

No claim for wife.

Children:

Bertha Lee Allen, 1

*Claims for self &
children*

POOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 6148

William Birdsong

See MCR 6150, 6228, 6230, 6229

MCR 6148

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William Birdsong, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

William Birdsong, et al.,	M.C.R. 6148
Owens Birdsong, et al.,	M.C.R. 6150
Luster W. Birdsong,	M.C.R. 6228
Oscar Birdsong, et al.,	M.C.R. 6230
Ananias Birdsong, et al.,	M.C.R. 6229

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of William Birdsong, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Owens Birdsong, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	9
Original application of Luster W. Birdsong, to the Dawes Commission for identification as a Mississippi Choctaw-----	14
Original application of Oscar Birdsong, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	21
Original application of Ananias Birdsong, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	26
Decision of the Commission refusing the ap- plications in the consolidated case of William Birdsong, et al., for identification as Miss- issippi Choctaws-----	32

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1902.

#4143.

In the matter of the application of William Birdsong for the identification of himself and his four minor children, Daisy, Mattie, Eugene, and Lillian Birdsong, as Mississippi Choctaws.

No Attorney.

William Birdsong after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A William Birdsong.
Q What is your age? A Fifty-two, be fifty-three this coming 18th of January.
Q What is your post office address? A Conway, in Faulkner County, Arkansas.
Q How long have you lived in Conway? A Seventeen years.
Q Where did you live before that? A I come from Tennessee; I was bred and born in Mississippi, but emigrated from Mississippi directly after the war to Tennessee.
Q Where were you born? A In Pamela County, Mississippi.
Q Do you claim through your father? A Yes sir, and also my mother, my father claimed to be a full blood.
Q Did your mother have Choctaw blood? A That is what those people say, I can't remember.
Q Are you claiming through your father? A Yes sir, also with the mother in part.
Q How much Choctaw blood do you claim? A I reckon about a half, I don't know.
Q Is your father living? A No sir.
Q Is your mother living? A No sir, she died when I was a little bit of a fellow.
Q What was your father's name? A Bill Birdsong.
Q What was your mother's name? A Lucinda Patience, she died when I was very young.
Q Is that Patience the last or middle name? A Lucinda Patience.
Q Birdsong? A Yes sir.
Q Were either of your parents slaves at any time? A Yes sir, this was the owner of me.
Q Who, Bill Birdsong? A Yes sir.
Q Did he marry your mother? A Yes sir.
Q And you claim that your father, your owner, had Choctaw blood? A Yes sir.

William Birdsong-----2

- Q How did your mother happen to be a slave to Bill Birdsong? A I don't know that she was a slave, I say I was a slave, I don't know how she was.
- Q You don't know whether she was a slave or not? A No sir, I was too young.
- Q Was Bill Birdsong a slave? A No sir, he was a free man.
- Q Do you know whether your father and mother were lawfully married? A No sir, I don't know, these parties claim they were.
- Q What parties? A These witnesses, (Applicant presents a paper)

This paper is not such evidence as can be filed with the Commission; you will have to get your witnesses here in proper shape. This document which you submit to be filed is not signed in a proper and lawful manner; it has no Notary Public's signature or seal.

By the applicant: He sir, I did not put it before them; they really didn't know how to sign it, and thought it would be proper for me to come up here, but these people being old just wrote that.

- Q Who is Gabe Davis? A He is a colored man; his wife's mother,-- you see her name there, Parker or Parks or something, and that is her daughter, Gabe Davis' wife.
- Q How is Gabe Davis related to you? A Yes sir they claim kin to me.
- Q What kin do you know? A They claim that that old lady Parks there she was a sister to my mother.
- Q Who is Mariah Davis, wife of Gabe Davis? A Yes sir.
- Q What is Mary Ann Sparks? A That is the old lady I was talking about, she said she was a sister to my mother.
- Q She would be your aunt would she? A Yes sir.
- Q If you want to get the testimony of these witnesses before the Commission in proper form you should have had them here? A They are too old to come.
- Q You should have taken their depositions; this paper is not properly attested and therefore is not good evidence in your case; this is a statement signed by them jointly in reference to you and your family connection? A Well, that is the best I could do for I didn't know nothing about my mother and father, and they claimed that they knew.

This would be accepted if it was made out as an affidavit in proper form, but not being signed with a Notary Public's signature and his seal it is not in proper form to be received.

- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Prudie Birdsong.
- Q What is her color or nationality? A She is a negro.
- Q Do you make any claim for her as a Choctaw Indian? A No sir, I don't know about that.
- Q She is a negro is she? A Her father is a white man.
- Q Part negro and part white? A Yes sir.
- Q She has no Choctaw blood? A I don't know whether she has or not.
- Q Do you make any claim for her as a Choctaw Indian? A No sir, her father is a white man, but I would not,--

- Q Give me the name of your oldest child under twenty-one years of age and unmarried? A There names are there (Presents a paper)
- Q In this list appears the name of Oscar Birdsong, twenty years old, is that right? A Yes sir.
- Q What is the name of the next? A Ananias Birdsong.
- Q How old is Ananias? A Eighteen.
- Q What is the name of the next? A The children are some married.
- Q Is Ananias married? A Yes sir.
- Q Oscar is not married? A Yes sir, he is married.
- Q Is Daisy married? A No sir.
- Q How old is Daisy? A I reckon eighteen years old.
- Q Who is Metto? A She is my child.
- Q How old is Metto? A Ten.
- Q Eugene? A Yes sir, he is a boy of mine.
- Q How old is Eugene? A I can't remember now.
- Q About how old? A Eight or nine.
- Q What is the name of the next child? A Lillian.
- Q How old is Lillian? A About six years old.
- Q Is that all? A Yes sir.
- Q That is all you have under 21 years of age and unmarried? A Yes sir, I have five children dead and the rest are married.
- Q Who is William Birdsong? A Thats me.
- Q And Bettie Birdsong is your wife? A No sir, Prudie Birdsong is my wife.
- Q Who is Bettie Birdsong? A She is the mother of this young man here.
- Q Was that your first wife? A Yes sir.
- Q Who are these the children of that you have given, Daisy, Metto, Eugene and Lillian, who was the mother of these children, Bettie or Prudie? A Prudie is the mother of these here.
- Q Who is Owens Birdsong? A Thats him here.
- Q That is your son who is present here before the Commission? A Yes sir.
- Q Who is Gus Birdsong? A Thats another one of my boys?
- Q Where does he live? A In Arkansas down below me, Mayhew, Arkansas is his post office.
- Q He has not been before the Commission? A No sir.
- Q Who is Luster Birdsong? A Thats my boy.
- Q Where does he live? A With me.
- Q At your post office address in Conway? A Yes sir.
- Q Who is Susie Birdsong? A Thats my daughter, she is married.
- Q What is her name now? A Susie Tuggle.
- Q What is her post office address? A Same post office, Conway.
- Q Who is Oscar Birdsong? A Thats my son?
- Q He is married? A Yes sir, he stays with me.
- Q At your post office address, Conway, Arkansas? A Yes sir.
- Q How many children has he? A He has only one.
- Q Ananias Birdsong, who is that? A Thats my boy.
- Q Is he married? A Yes sir.
- Q Has he any children? A He has a couple.
- Q Is that all of your children? A Yes sir.
- Q Where does Ananias live? A Not far from me, Conway is his post office.
- Q Is Prudie Birdsong the mother of these four children that you have given as being under age and unmarried? A Yes sir.
- Q When and where were you married to her? A I was married in Tennessee.
- Q What place in Tennessee? A Harlin County, Salisbury.

William Birdsong—4

- Q When were you married to her? A I don't know exactly, some time ago though.
- Q Have you the proof of that marriage with you? A No sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for yourself and these children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did you or anyone for you or for your children in the year 1896 make application to the Commission to the Five Civilized for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you or any of your minor children ever been admitted or enrolled as citizens of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized tribes of the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to identify yourself and minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? (No response)
- Q Do you understand that article? A No sir, I don't understand that.

Every descendant of a Choctaw Indian who comes before this Commission to be identified as a Mississippi Choctaw must prove that his ancestor lived in the state of Mississippi or Alabama in what was known as the old Choctaw Nation, and that that ancestor complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. A treaty is a compact in writing made between two or more Nations instead of between two or more individuals, corporations or partnerships. Such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of that treaty was to remove as far as practicable all of the Choctaw Indians who lived in that old Choctaw Nation from that old Nation to the territory now occupied by the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation in the Indian Territory with the other Indians, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; an article in a treaty is a sub-division of the treaty. Now, article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded

by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830?
A No sir, I don't know.
- Q You never have heard anything about that? A No sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830 who had Choctaw blood through whom you claim your right to be identified as a Mississippi Choctaw? A Old lady Parks,
- Q Who was that ancestor, father or grandfather, grandmother or great grandfather or great grandmother? A I can't remember that at all.
- Q Now, you gave the name of your father a minute ago as Bill Birdsong? A Yes sir.
- Q Now, Bill is dead is he? A Yes sir.
- Q How old would he be if he were living now? A Somewhere about seventy-five I reckon, I can't tell you.
- Q You say you don't know how old he would be? A No sir.
- Q How much Choctaw blood did he have? A These parties claim he was a full blood Choctaw, I don't know.
- Q You really don't know how much Choctaw blood he had do you?
A No sir.
- Q Did he ever live in Mississippi? A Yes sir, thats where he died .
- Q Was he born there? A Well now, I can't answer you on that.
- Q He died there did he? A Yes sir.
- Q How long ago was it since he died? Q When I was a little kid.
- Q And you are fifty-two now? A Yes sir.
- Q How old were you when he died? A I don't know, I was very young, I can't recollect him
- Q Five years old? A I might have been
- Q Were you ten years old? A O no sir, I don't recollect him at all.
- Q Now when you knew him forty-seven years ago, when he died, how old was he? A I can't recollect him.
- Q Do you know whether he was a young man or a boy? A I can't answer you that, because I don't know.
- Q Was he an old or aged man when he died? A He was tolerably old when he died they claim, he would have been 75 or more now.
- Q Now was he born in Mississippi? A Well, I can't answer you that.
- Q Was he living at any time in Mississippi? A O yes sir.
- Q About how old was he when you knew anything about him when he lived in Mississippi? A I can't answer on that.
- Q What was his father's name? A I don't know.
- Q What was his mother's name? A I don't know what his mother's name was.
- Q Did your father, Bill Birdsong, live in Mississippi in 1830, 72 years ago? A Lets see, yes I recollect or I believe he died first.
- Q Who did? A No, I don't know either, I was mistaken, I don't know.

William Birdsong—8

- Q You don't know the father of Bill Birdsong? A No sir.
Q Or the mother of Bill Birdsong? A No sir.
Q Did you ever hear that Bill Birdsong's father was a Choctaw?
A Yes sir, thats what these people claim.
Q What people claim? A These people I was giving you the names
of a while ago, Parks and Davis and Mariah Davis, they say
they know.
Q They know what,— how do they know about it? A They got seat-
tered, the people did.
Q How did these people whose names you have already given know
anything about Bill Birdsong or his father or mother? A I
don't know sir, they knowd them in Mississippi is all I know.
Q Sparks is one? A Yes sir.
Q Give that full name? A Mary Ann Sparks.
Q She lives where? A In Perry County.
Q Where? A Arkansas.
Q How old is she? A That old lady is way up in 77 I reckon
somewhere, I don't know that definite.
Q When did she leave Mississippi? A I can't answer you on
that.
Q Was she a little girl when she lived in Mississippi? A Yes
sir, I think so.
Q And did she know Bill Birdsong in Mississippi? A Yes sir,
thats what she said.
Q Did she know Bill Birdsong's father and mother? A Yes sir,
thats what she said.
Q Did Gabe Davis and Mariah Davis know Bill Birdsong and his
father and mother in Mississippi? A Yes sir, thats what they
say.
Q How old are these two people? A I don't know, somewhere up
in 80.
Q Between 60 and what? A Between 60 and 70.
Q When did they leave Mississippi? A About 15 years ago I
think.

If these people know anything about your ancestry, for you don't know anything about them from your testimony, it is your business to get them before the Commission, and for that purpose you will be allowed 15 days time from this date in which to summon these witnesses to come before the Commission, and if they are not able to come you are advised that you can take their depositions under the rules of the Commission.

Your claim is based upon the fact if you have any such fact to prove that you have a Mississippi Choctaw ancestor who lived in the state of Mississippi in the year 1830 who was the head of a family there at that time, and complied or attempted to comply with article fourteen of the treaty of 1830. As you know nothing about this and have given the names of these three witnesses if they know something about it it is a very material matter in your case that you produce them here or produce their testimony before the Commission in support of this claim.

- Q Can you give the name of any Choctaw ancestor of yours who owned any improvements on land in Mississippi or Alabama in 1830? A No sir, I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in the

William Birdsong-----7

Indian Territory with the other Indians between 1833 and 1838?
A Not as I know of.

- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim any land or receive any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A No sir.

In accordance with the provisions of the 14th article of the treaty of 1830 the Indians who stayed back in the old Choctaw Nation refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who had land in Mississippi in the old Choctaw Nation to lose their land and the improvements which they had on the land, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 and 1842 Congress appointed commissions which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either the Commission appointed by act of Congress approved March 3rd, 1837, or the Commission appointed by the act of Congress approved August 23rd, 1842, and claim any benefits under article fourteen of the treaty of 1830? A No sir, not as I know of.

The act of Congress approved August 23rd, 1842, provided that in case it should finally be determined that a Choctaw Indian had complied with article fourteen of that treaty and where it also further appeared that he had had land taken from him in the old Choctaw Nation by the government and sold he should be entitled to select land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir.
- Q Have you any other evidence that you want to introduce now? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any relatives who are coming before the Commission? A Yes sir, my boy here.
- Q Any others? A No sir, not now.
- Q Have you any relatives who have been before the Commission? A No sir, not as I know of.

This applicant has the appearance and physical characteristics of being descended from negro parentage; he has dark skin and black eyes, black hair which is curly; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with article fourteen of the treaty of 1830.

William Birdsong -----

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 22nd day of August, 1902.

Guy L. Emerson
Notary Public.

all
copy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of William Birdsong, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

William Birdsong, et al.,	M. C. R. 6148
Owens Birdsong, et al.,	M. C. R. 6150
Luster W. Birdsong,	M. C. R. 6228
Oscar Birdsong, et al.,	M. C. R. 6250
Amarias Birdsong, et al.,	M. C. R. 6229

-----0-----

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by William Birdsong for himself and his four minor chil-
dren, Daisy, Netie, Eugene and Lillian Birdsong; by Owens Birdsong
for himself and his two minor children, Joseph and Della Birdsong;
by Luster W. Birdsong for himself; by Oscar Birdsong for himself
and his minor child, Freddie Edgar Birdsong; and by Amarias Bird-
song for himself and his two minor children, Rosetta and Archie
Birdsong, under the following provision of the act of Congress
approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary there-
to and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Bill Birdsong, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and Lucinda Patience (or Lucinda Patience Birdsong), who is alleged to have been a Choctaw Indian (degree of blood not stated).

It further appears, from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bill Birdsong, or Lucinda Patience (or Lucinda Patience Birdsong) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to

1 - 2

rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Birdsong, Daisy Birdsong, Metto Birdsong, Eugene Birdsong, Lillian Birdsong, Owens Birdsong, Joseph Birdsong, Della Birdsong, Luster W. Birdsong, Oscar Birdsong, Freddie Edgar Birdsong, Ananias Birdsong, Rosetta Birdsong and Archie Birdsong, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tamie Bieby

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

J. R. Brinkridge.

Commissioner.

Muskogee, Indian Territory,

DEC 31 1907

COPY.

M.C.R. 6148

Muskogee, Indian Territory, December 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Birdsong, et al., embracing the following applications for identification as Mississippi

Choctaws:

William Birdsong, et al.,	M.C.R. 6148
Owens Birdsong, et al.,	M.C.R. 6150
Luster W. Birdsong,	M.C.R. 6228
Oscar Birdsong, et al.,	M.C.R. 6230
Ananias Birdsong, et al.,	M.C.R. 6229

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats.,).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Birdsong, Daisy Birdsong, Mattie Birdsong, Eugene Birdsong, William Birdsong, Owens Birdsong, Joseph Birdsong, Della Birdsong, Luster W. Birdsong, Oscar Birdsong, Freddie Nager Birdsong, Ananias Birdsong, Rosetta Birdsong and Archie Birdsong, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. McN & C-2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ADVISOR

Tamie Dixby.
Acting Chairman.

COPY

Muskogee, Indian Territory, December 31, 1902.

William Birdsong,
Conway, Arkansas.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Birdsong, et al., embracing the following applications for identification as Mississippi Choctaws:

William Birdsong, et al.,	M.C.R. 6148
Owens Birdsong, et al.,	M.C.R. 6150
Luster W. Birdsong,	M.C.R. 6228
Oscar Birdsong, et al.,	M.C.R. 6230
Ananias Birdsong, et al.,	M.C.R. 6229

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Birdsong, Daisy Birdsong, Metto Birdsong, Eugene Birdsong,

William Birdsong-2

Lillian Birdsong, Owens Birdsong, Joseph Birdsong, Della Birdsong, Luster W. Birdsong, Oscar Birdsong, Freddie Edgar Birdsong, Ananias Birdsong, Rosetta Birdsong, and Archie Birdsong, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James A. Smith
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Birdsong, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 31, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William Birdsong, et al.,	M.C.R. 6148
Owens Birdsong, et al.,	M.C.R. 6150
Luster W. Birdsong,	M.C.R. 6228
Oscar Birdsong, et al.,	M.C.R. 6230
Ananias Birdsong, et al.,	M.C.R. 6239

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

T. B. Needles.

Commissioner in Charge

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 6148

Muskogee, Indian Territory, January 19, 1903.

Guss Birdsong,

Mayflower, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you say you are a son of William Birdsong and a brother of Owen, Luster, Oscar and Annanias Birdsong, who are applicants to the Commission for identification as Mississippi Choctaws. You ask if the Commission will be at Muskogee, Indian Territory, during the year 1903 for the purpose of hearing applications.

In reply you are advised that it appears from the records of the Commission that William Birdsong and his sons, Owen, Luster, Oscar and Annanias Birdsong, made application to this Commission for identification as Mississippi Choctaws and that the Commission on December 31, 1902, rendered its decision refusing their applications and on the same date they were duly notified by registered mail of the action of the Commission and that they were granted fifteen days within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior. The fifteen days from December 31, 1902, heretofore granted in this case expired on January 15, 1903, and on January 16, 1903,

G. Birdsong---2

the records in the case, together with the decision of the Commission, were forwarded to the Secretary of the Interior. The applicants will be duly notified of any action that may be taken by him.

You are further advised that the authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the act of Congress approved June 28, 1898, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw ~~Indians~~ under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

~~The~~ fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

G. Birdsong---3

The Commission in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used the following language:

"there is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for applicants to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

G. Birdsong-----4

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 22, 1903.

William Birdsong,

Conway, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your two letters of the 15th inst., relative to the decision of the Commission refusing the several applications included in the Mississippi Choctaw case of William Birdsong, et al. You state that the letters notifying you of the action of the Commission were not received in time to permit you to file arguments in support of your claims within the fifteen days allowed for that purpose. You ask that you be allowed further time.

In reply to your letters you are informed that the fifteen days from December 31, 1902, heretofore granted in this case, expired on January 15, 1903: on January 16, 1903, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The several applicants in this case will be duly notified of such action as may be taken by him.

You are further advised that the fifteen days allowed applicants in Mississippi Choctaw cases in which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, are granted under specific Departmental instructions

W. Birdsong---2

and cannot be extended.

Respectfully,

Commissioner in Charge.

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

4580- 1903

Washington, Feb. 13, 1903

The Honorable

The Secretary of the Interior

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of the following parties for identification as Mississippi Choctaws: William Birdsong for himself and his four minor children, Daisy, Metto, Eugene and Lillian Birdsong; Owens Birdsong for himself and his two minor children, Joseph and Della Birdsong; Luster W. Birdsong for himself; Oscar Birdsong for himself and his minor child, Freddie Edgar Birdsong; and Ananias Birdsong for himself and his two minor children, Rosetta and Archie Birdsong, wherein a decision adverse to the applicants was rendered by the commission on December 31, 1902.

The testimony in this case shows that the applicants are unable to go back of the parents of the principal applicant, they being Bill Birdsong and Lucinda Patience Birdsong, who would have been small children in 1830, according to the ages given.

The commission rejected these parties because the names of their ancestors, through whom they claim, did not appear among the

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Bill Birdsong and Lucinda Patience Birdsong, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner

Acting Commissioner

(. E. B. H.)

P.

C O P Y

J.W.H.

D.C. 5902

DEPARTMENT OF THE INTERIOR

FHE.

WASHINGTON

I. T. D. 1732- 1903

L. R. S.

February 25, 1903

Commission to the Five Civilized Tribes
Muskogee, Indian Territory.

Gentlemen:

January 16, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of William Birdsong (M.C.R. 6148) for himself and his four minor children, Daisy, Metto, Eugene and Lillian Birdsong; of Owens Birdsong for himself and his two minor children, Joseph and Della Birdsong; of Luster W. Birdsong for himself; of Oscar Birdsong for himself and his minor child, Freddie Edgar Birdsong; and of Annanias Birdsong for himself and his two minor children, including your decision of December 31, 1902, refusing to identify them as such.

William Birdsong, the principal applicant, through whom the others claim, is an ex-slave who was born about 1850. He is unable to furnish the names of any ancestor more remote than his parents. His father, Bill Birdsong, was a full blood Choctaw. He claims that his mother, Lucinda Patience, was also possessed of Choctaw blood.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the government in your possession as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 13, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COPY.

M.C.R. 6148.

Muskogee, Indian Territory, March 12, 1903.

William Birdsong,

Conway, Arkansas.

Dear Sir:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Birdsong, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

MAILED

Tams Biaby
Chairman.

N.C.P. 6142.

COPY,

Muskogee, Indian Territory, March 12, 1903.

Manerfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Birdsong, et al., of which decision you were advised by mail on the 31st day of December, 1902.

Respectfully,

Tams Bixby.
Chairman.

Consolidated Case
of
Wm Bidsong et al.

6148

Bill Birdsong (Jb?)
" " dead
Lucinda Patience Birdsong
" " slave (head)

Maria
Isabel
" "

Mr 6148
William Birdsong 52-1/2
" " slave
" " wife
① Bettie Birdsong
" " slave (head)
② Prudie Birdsong
" " (neg + w)

Mr 6146
Daisy Birdsong 18
Netta Birdsong 10
Eugene Birdsong 8 or 9
Lillian Birdsong 6

Mr 6150
Owens Birdsong 28-1/4
" " wife
① Addie Birdsong
" " (neg) dead
② Bessie Birdsong
" " (neg + cher.)

Mr 6228
Luster W. Birdsong 26-1/4
" " wife
Susie Birdsong
" " (neg)
Mr 6230
Oscar Birdsong 24-1/4
" " wife
Georgia Birdsong
" " (neg)

Mr 6229
Ananias Birdsong 23-1/4
" " wife
Verona Birdsong 15
" " (neg)

Mr 6150
Joseph Birdsong 7
" Della Birdsong 5

Mr 6230
Freddie Edgar Birdsong 1

Mr 6229
" or Cooney
Rosetta Birdsong 3
" Archie Birdsong 2

For Identification as a Mississippi Choctaw.

Date

Name William Birdsong.

Age 52 Blood don't know.

Post-Office, Conway, Ark.

Father: B. Birdsong - d.

Mother: Lucinda P. " - d.

Claims through father & mother
 wife. Prudie Birdsong, l. neg. and white.
 No claim for wife —

Children:

~~Oliver Birdsong, 20~~~~Annie " 18~~

Daisy Birdsong 18

Metta Birdsong, F 10

Eugene " 8 or 9

Lillian " 6

Claim for neg &
 4 minor

Stenographer W. H. Martin —

Choctaw MCR 6149

Andrew J. Farmer

See MCR 6155, 6156, 6151, 5624
6158, 6157

MCR 6149

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Andrew J. Farmer, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Andrew J. Farmer, et al.,	M. C. R. 6149
William Farmer, et al.,	M. C. R. 6155
Florence Hudson, et al.,	M. C. R. 6156
Thomas H. Farmer,	M. C. R. 6151
Vernon A. Farmer, et al.,	M. C. R. 5624
Eunice Guyman, et al.,	M. C. R. 6158
Myrtle Hunt, ..	M. C. R. 6157

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List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of Andrew J. Farmer, et al.

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Page.

Original application of Andrew J. Farmer, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	1
Original application of William Farmer, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	6
Original application of Florence Hudson, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	12
Original application of Thomas H. Farmer, to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,	18
Original application of Vernon A. Farmer, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	22

11/2

Original application of Eunice Gayton, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	27
Original application of Myrtle Hunt to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	33
Decision of the Commission to the Five Civilized Tribes, Refusing the applications for identification as Mississippi Choctaws in the consolidated case of Andrew J. Farmer, et al.	38

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1903.

#6149.

In the matter of the application of Andrew J. Farmer for the identification of himself and his two minor children, Garrie and Bessie Farmer, as Mississippi Choctaws.

No attorney appearing for applicant.

Andrew J. Farmer being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew J. Farmer.
Q What is your age? A I was born the 22nd of February, 1848, I am 55 now, will be 56 in February.
Q What is your post office address? A Arapahoe, Custer County, Oklahoma.
Q Where were you born? A In Tennessee.
Q From Tennessee you went where? A To Oklahoma.
Q And have lived only in Tennessee and Oklahoma? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Ichabod Farmer.
Q What was your mother's name? A Martha Farmer.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Can you tell when and where they were married? A In Tennessee, but I can't tell you the date.

You will be allowed a little time in which to introduce the proof of the marriage of your father and mother, and for the introduction of other testimony if you desire.

- Q How much time would you like? A I think I might get that in 30 days.

30 days time from the date hereof is allowed this applicant in which to introduce other testimony, and also the proof of the marriage of his father and mother.

- Q Are you married? A Yes sir, I have not my marriage certificate with me.
- Q What is your wife's name? A Tennessee Farmer.
- Q Is she living? A Yes sir.
- Q Is she a white woman or Choctaw Indian? A White woman.
- Q Do you make any claim for her? A No sir.
- Q Will you give us the names of your children, beginning with the oldest, under twenty-one years of age and unmarried? A Carrie.
- Q How old is Carrie? A She is about fifteen years old.
- Q What is the name of the next? A Bessie.
- Q How old is Bessie? A She is about thirteen years old.
- Q Are there any others? A No sir, that is all unmarried.
- Q That is all you want to make application for? A Yes sir.
- Q Is Tennessee Farmer the mother of these children? A Yes sir.
- Q Have you the proof of your marriage to your wife with you now? A No sir, I have not.
- Q Can you tell when and where you were married to her? A I was married on the 25th day of December, 1867.
- Q By a minister under a license? A Yes sir.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application you have ever made either to the Choctaw tribal authorities or the United States tribal authorities for citizenship in the Choctaw Nation for yourself and children? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article? A Well Judge, I don't know that I hardly know how to answer that, I don't know whether I exactly do or not, I think I do, but I may be mistaken about it.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. That treaty was made for the special purpose of removing as far as possible all of the Choctaw Indians who lived in that old Choctaw Nation which is partly in Mississippi and partly in Alabama, from the old Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation this article called article fourteen was put into the treaty, which was perfectly satisfactory to all the Indians, both those who remained and those who did go to the Choctaw Nation, Indian Terri-

tory. The treaty was then signed with that article in it, and afterwards was ratified. Now that article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q That is the original 14th article of the treaty of 1830, and it applies of course to all applications of those who now claim to be descendants of Mississippi Choctaws, you understand that I suppose? A Yes sir, I understand it.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know, Judge.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Tidwell.
- Q Do you know the first name? A No sir, I do not.
- Q Is that the name of a man or a woman? A That's the name of my grandmother, Tidwell.
- Q That was her maiden name or her married name? A Her maiden name, before she was married.
- Q Whom did she marry? A She married Davidson.
- Q Do you know his full name? A No sir, I don't.
- Q Was he a white man? A I don't know that.
- Q Was Tidwell, your grandmother, a full blood Indian? A I don't know that.
- Q Did she have any Choctaw Indian blood? A I can't say that, I was taught she did.
- Q That is a matter of family history is it? A Yes sir, I was taught she did.
- Q Whom were you taught that by? A My mother.
- Q Your mother told you that your grandmother had Indian blood? A Yes sir.
- Q How much, do you know? A I don't remember now, Judge.
- Q Did you ever hear anybody else say she had Indian blood? A I can't say, I can't answer that question.
- Q Did your grandmother, Tidwell, live in Mississippi in 1830? A I don't know.
- Q Did she ever live in Mississippi? A I don't know that.
- Q Can you give the name of any ancestor who did live in the state of Mississippi at any time? A I can not.

I suppose of course, Mr. Farmer, that you understand that the purpose of this examination is to bring out the fact that the applicant is a descendant of a Mississippi Choctaw, and to prove that he had an ancestor who lived in the state of Mississippi in the first place.

Andrew J Farmer-----4

- Q Do you know anything about that? A I was taught that, but for me to say that I know it I can't.
- Q You were taught that she lived in Mississippi? A Yes sir.
- Q And by whom were you taught this? A By my mother.
- Q Were you taught that she lived there in 1830? A Judge, I don't remember the date, I can't say.
- Q Have you any evidence of any kind that would tend to show that she lived in Mississippi or in Alabama in the old Choctaw Nation in 1830, and was the head of a family there at that time.
- Q Not here I have not.
- Q Do you think you will be able to establish that fact? A I think so.
- Q Did she speak the Choctaw language? A I don't know, Judge, because I don't remember.
- Q Did she have a Choctaw Indian name? A I don't know that, I can't answer that question.
- Q Did your father, Ichabod Farmer, ever live in the state of Mississippi? A Not that I know of.
- Q You never heard that he did? A No sir.
- Q Did any of your Choctaw ancestors to your knowledge or have you been informed in any way that any of them lived in Mississippi in 1830 and had a family of children there at that time, I mean in that portion of the old Choctaw Nation known as the old Choctaw Nation? A I have been told that Judge.
- Q In 1830? A I have been told that.
- Q By your mother or other members of the family? A Yes sir, my mother.
- Q Do you know if any of your Choctaw ancestors lived there at that time? A Just what I was taught.
- Q Did any of them comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q How old would your grandmother, Tidwell, be if living now? A I can't answer that question, because I don't remember.
- Q Do you remember where and when she died? A No sir, I have been told she died in Tennessee, my mother told me.
- Q Did she or any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent an intention to remain in Mississippi and take land there and become citizens of the states? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge, or have you ever received any information to the effect that they owned any land or claimed any land in the old Choctaw Nation in Mississippi or in Alabama under article fourteen of the treaty of 1830? A I can't answer that question.

In accordance with the provisions of article fourteen of the treaty of 1830 those Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty was ratified, refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the treaty, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, at his office or agency in Mississippi, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citi-

zens of the states. A good many of the Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register". His neglect to do this caused a good many Indians living in that old Choctaw Nation to lose the land which they held there together with the improvements upon that land, both were taken from them by the government and sold at its public land sales. This caused so many complaints on the part of the Indians that in 1837 by an act of Congress approved March 3rd of that year, and also in 1842, by an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors appeared before either of those two commissions and claimed any benefits as Choctaw Indians under that article? A I don't know, Judge.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that they had had land in the old Choctaw Nation taken from them by the government and sold.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A The Tidwells.
- Q The Tidwells have been here? A Yes, I have been informed by them that they have.
- Q Vernon A. Farmer is a son of yours? A Yes sir.
- Q He has been before the Commission? A Yes sir.
- Q He made application to be identified as a Mississippi Choctaw on May 30, 1902? A Yes sir.
- Q Do you want to have your case and his consolidated? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Do you understand that language? A No sir.
- Q Is there anything further you would like to say now in support of this claim? A No sir, I don't know that there is.
- Q Have you any evidence that you want to file? A Not now.

The case of Vernon A. Farmer, et al., M. C. R. 5624, is here referred to for the purpose of consolidation.

The applicant has the appearance and physical characteristics of being descended from white parentage; he has very dark hair, brown eyes, mustache and beard light brown, complexion medium fair. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 29 day of August, 1902.

W. H. Martin
B. C. Jones
Notary Public.

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COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Andrew J. Farmer, et al,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Andrew J. Farmer, et al.,	M. C. R. 6149
William Farmer, et al.,	M. C. R. 6153
Florence Hudson, et al.,	M. C. R. 6156
Thomas N. Farmer,	M. C. R. 6151
Vernon A. Farmer, et al.,	M. C. R. 5624
Eunice Guymon, et al.,	M. C. R. 6158
Myrtle Hunt,	M. C. R. 6157

-----o-----

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by Andrew J. Farmer for himself and his two minor chil-
dren, Carrie and Bessie Farmer; by William Farmer for himself
and his minor child, Lucille; by Florence Hudson for herself and
her minor child, Ferol; by Andrew J. Farmer for his son Thomas
N. Farmer; by Vernon A. Farmer for himself and his minor child,
Mary Farmer; by Eunice Guymon for herself and her minor child,
Norma Guymon; and by Myrtle Hunt for herself, under the following
provision of the act of Congress approved June 28, 1898, (30
Stats., 495):

"Said Commission shall have authority to
determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Martha Farmer (nee Davidson), who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

It further appears from the testimony that the said Martha Farmer derived her Choctaw blood from her mother whose maiden name was Tidwell but whose given name is not stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 381).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martha Farmer (nee Davidson) or any person by the name of Tidwell or Davidson, signified (in person

or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas W. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

James Kirby

Acting Chairman

T. E. Needles

Commissioner

C. W. Thompson

Commissioner

Muskogee, Indian Territory

JAN 14 1903

COPY.

M C R 6149

Muskogee, Indian Territory, January 14, 1903.

Andrew J. Farmer,
Arapaho, Oklahoma.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
Florence Hudson, et al.,	M C R 6156
Thomas N. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

A J F-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas N. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw Lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

T. B. Needles,

Commissioner in Charge.

COPY

M C R 6149

Muskogee, Indian Territory, January 14, 1903.

S. Heard,

Attorney at Law.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
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Thomas W. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

S H-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas H. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ED:

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M C R 6149

Muskogee, Indian Territory, January 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
Florence Hudson, et al.,	M C R 6156
Thomas H. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas H. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights

M McM & C-2.

in the Cheetaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, January 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew J. Farmer, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 14, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Andrew J. Farmer, et al.,	M.C.R. 6149
William Farmer, et al.,	M.C.R. 6155
Florence Hudson, et al.,	M.C.R. 6156
Thomas N. Farmer,	M.C.R. 6151
Vernon A. Farmer, et al.,	M.C.R. 6624
Eunice Guymon, et al.,	M.C.R. 6158
Myrtle Hunt,	M.C.R. 6157

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixby:

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M C R 6149.

Muskogee, Indian Territory, February 6, 1903.

A. J. Farmer,
Arapaho, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 28, in which you ask permission to introduce further evidence in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are informed that on January 14, 1903, the Commission refused your application for the identification of yourself and your minor children, Carrie and Bessie Farmer, as Mississippi Choctaws, and on the same date you were notified of this action of the Commission, and were advised that you would be allowed fifteen days within which to submit argument to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. On January 30, 1903, the fifteen days specified therein having expired the record in this case was forwarded to the Secretary of the Interior, and pending action thereon by the Department the Commission can not receive or consider any further evidence in your case.

Respectfully,

Commissioner in Charge.

Land.
7960-1903.

COPY
Department of the Interior
Office of Indian Affairs,
Washington, February 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws, of the following persons wherein a decision adverse to the applicants was rendered by the Commission on January 14, 1903.

Andrew J. Farmer, for himself and his two children Carrie and Bessie Farmer, William Farmer for himself and his child Lucille; Florence Hudson, for herself and her child Ferol; Andrew J. Farmer for himself and his son Thomas W. Farmer; Vernon A. Farmer for himself and his minor child Mary Farmer; Eunice Guymon, for herself and her child Norma Guymon, and Myrtle Hunt.

It appears from an examination of the evidence in this case that the ancestors through whom these applicants claim identification are Davidson, nee Tidwell (first name not know, grandmother of Andrew J. Farmer, the principal applicant, and it is alleged that she was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The decision of the Commission rejecting these applicants is based upon the ground that its records do not show that Martha Farmer (nee Davidson) or any person of the name of Tidwell or Davidson, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that there were no Tidwells or Davidsons who were beneficiaries under the 14th article of the Choctaw treaty of 1830, or who ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have therefore to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

E.B.H. H'r.

~~Signatures.~~

C O P Y J W H

WHR

16787

Department of the Interior,

Washington, March 13, 1903.

D.C. 7408

I T D 2166-1903.
L R S.

The Commission

to the Five Civilized Tribes,

Muskegee, Indian Territory.

Gentlemen:

January 30, 1903, you transmitted the record in the consolidated case embracing the applications of Andrew J. Farmer (M C R 6149), Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Ferol Hudson, Thomas N. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon, and Myrtle Hunt, for identification as Mississippi Choctaws, including your decision of January 14, 1903, refusing to identify them as such.

The principal applicant, Andrew J. Farmer, whose degree of Choctaw blood is one-eighth, was born in Tennessee in 1846. He traces his Choctaw descent through his mother, Mrs. Ichabod Farmer, formerly Martha Farmer, to his grandmother who was probably a one half blood Choctaw and whose name was Tidwell. She married one Davidson. The other applicants are the children and grandchildren of said Andrew J. Farmer.

You denied the applications on the ground that the records of the Government in your possession fail to show that

any of the alleged ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 21, 1903, the Acting Commission of Indian Affairs stated:

An examination of the records of this office discloses the fact that there were no Tidwells or Davidsons who were beneficiaries under the 14th article of the Choctaw treaty of 1830, or who ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims, and your decision is accordingly hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Andrew J. Farmer,
Arapaho, Okla.

Dear Sir:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Tamc Dinty.
Chairman.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by mail on the 14th day of January, 1903.

Respectfully,

Chairman.

C.R.6149

COPY

Muskegee, Indian Territory, March 23, 1903.

S. Heard, Attorney at Law,
Eufaula, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Chairman.

REFER TO M. C. R. 6149

Andrew J. Farmer
et al

Consolidated Case

Edwice 1/2
 - husb.
 Davidson
 Martha Farmer
 mar
 Isakabod Farmer

Andrew J. Farmer 55
 wife
 Tennessee (or Jennie) Farmer 45

William Farmer 33 1/6
 wife
 Maude Farmer 21
 Russell Farmer 3
 Florence Farmer 31 1/6
 mar.
 Lon Hudson 10
 Thomas H. Farmer 25-
 Vernon Farmer 25 1/6
 wife
 Victoria Farmer 11
 Mary Farmer 4 mo
 Eunice Farmer 21 1/6
 mar.
 Jim Guymon 10
 Norma Guymon 2
 Myrtle Farmer 19 1/6
 mar.
 William Hunt 10
 Carrie Farmer 15
 Bessie Farmer 13

For Identification as a Mississippi Choctaw.

Date

Name Andrew J. Farmer

Age 53 Blood 1/8

Post-Office, Arapaho, Okla.

Father: Ichabod Farmer, d.

Mother: Martha " d

Claims through - mother - wife. Tennessee Farmer, l. w

No claim for wife

Children:

Carrie Farmer, 15

Bessie " 13

Claim for self
& children

Stenographer M. V. Martin

Choctaw MCR 6150

Owens Birdsong

See MCR 6148

MCR 6150

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1902.

#4150.

In the matter of the application of Owens Birdsong for the identification of himself and his two minor children, Joseph and Bella Birdsong, as Mississippi Choctaws.

No Attorney appearing for Applicant.

Owens Birdsong, after being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Owens Birdsong.
Q What is your age? A Twenty-eight, I have been married twice.
Q What is your post office address? A Clarksville, I. T.
Q Where were you born? A In Tennessee.
Q How long did you stay in Tennessee? A I stayed there 13 years.
Q From Tennessee you went where? A To Arkansas.
Q How long did you stay in Arkansas? A I stayed there about 13 years.
Q Then you went where? A Come to this country.
Q The Indian Territory? A Yes sir.
Q And have been here since? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A William Birdsong.
Q What was your mother's name? A Bettie Birdsong.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About a fourth I guess, or an eighth.
Q Has your father ever been recognized or enrolled by the tribal authorities or the United States authorities as a member of the Choctaw tribe of Indians in the Indian Territory? A No sir.
Q Can you tell when he was married to your mother? A No sir, I can't tell that.
Q Were they slaves at any time? A I reckon they was.
Q Both of them? A Yes sir.
Q Where were they slaves? A My mother was a native of Tennessee and he is a native of Mississippi I guess, I always heard him say he come from Mississippi.
Q Do you know whether they was married by a minister under a

Owens Birdsong-----3

- license? A They was married by a license.
- Q Do you know where a when? A No sir, I don't, there is two children older than me, Lucinda and Etta.
- Q Is your wife living? A My last wife is living.
- Q Have you any children by your last wife? A No sir.
- Q What is your first wife's name? A Addie Birdsong.
- Q She is dead? A Yes sir.
- Q Was she a colored woman? A Yes sir.
- Q When did she die? A She died three years ago, 1899.
- Q Have you any children by your second wife? A No sir.
- Q What is your second wife's name? A Bessie Birdsong.
- Q Is Bessie Birdsong living and a negro? A Yes sir, part Cherokee and part negro.
- Q Have you any children by your first wife? A Yes sir.
- Q Have you any by the second? A No sir.
- Q What is the name of your oldest child? A Joseph Birdsong.
- Q How old is Joseph? A He was seven the 9th of this month.
- Q What is the name of the next? A Della Birdsong.
- Q How old is Della? A Five years old, she will be six the 28th of October.
- Q Do you claim for yourself and two children? A Yes sir.
- Q When and where were you married to your wife? A My last one?
- Q No, your first one? A Faulkner County, Arkansas.
- Q By a minister under a license? A Yes sir, by a license.
- Q Can you tell when you were married? A Yes, I was married on,-- this child is seven years old the 9th of this month, and I was married November 8th the year before that.
- Q Have you the proof of that marriage with you now? A Not with me, I have it at home.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I know.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself or children to either the Choctaw tribal authorities, or the authorities of the United States to be admitted or enrolled as members of the Choctaw Nation in the Indian Territory? A No sir.
- Q Do you come before the Commission now for the purpose of being identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir, not thoroughly.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830, and was made for the purpose of removing as far as practicable all of the Choctaw Indians who lived in that old Choctaw Nation

east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty. In order therefore to protect the interests of those Indians who preferred to stay back in the old Nation article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards on the 24th day of February, 1831, was ratified. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q You understand that well enough to claim under it do you? A Yes sir.
- Q What is the name of your Choctaw ancestor, through whom you claim your right to be identified as a Mississippi Choctaw? A You mean my father?
- Q Back as far as you can go, your father, grandfather, grandmother, or great grandfather or great grandmother? A I don't believe I know any; I never seen any of my kin folks, and my father moved from Tennessee and left them all there I guess. All except I heard my mother say she had a sister named Charity.
- Q You claim your Choctaw blood through your father? A Yes sir.
- Q Your father has been before the Commission on this date has he not to be identified as a Mississippi Choctaw? A Yes sir.
- Q Did you hear him testify? A Yes sir.
- Q Did you hear him say anything about Bill Birdsong? A Yes sir.
- Q Who is Bill Birdsong? A That's his father.
- Q That would be your grandfather? A Yes sir.
- Q You claim your Choctaw blood through him do you? A Yes sir.
- Q How much Choctaw blood did Bill Birdsong have? A He was full I suppose.
- Q What makes you think he was a full blood Choctaw Indian? A I have heard my father say he was a full blood.
- Q Did he live in Mississippi? A I think so.
- Q What makes you think so? A I have heard him talk of his father living in Mississippi.
- Q Do you know where in Mississippi Bill Birdsong lived? A No sir.
- Q Do you know whether he lived there in the year 1830? A No sir.
- Q Do you know whether he or any other Choctaw ancestor of yours lived in the state of Mississippi or Alabama in the year 1830 and was the head of a family there then? A No sir.

- Q Do you know whether he or any other Choctaw ancestor of yours lived in Mississippi in 1830 and was the head of a family there then and complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q Do you know how old Bill Birdsong would be if living now? A No sir.
- Q Did he have an Indian name? A I think they claim the surname Birdsong was an Indian name.
- Q Do you know the name of his wife? A No sir, my grandmother's name was Lucinda.
- Q Was that Bill Birdsong's wife? A Yes sir.
- Q Was she a negro woman? A Yes sir.
- Q Was she a slave? A Yes sir.
- Q Was Bill? A No sir,-- I don't know sir.
- Q You do not know where he was born? A No sir.
- Q Did he ever live any other place except in Mississippi? A I don't think he did. I heard he lived in Mississippi.
- Q Did he own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did he or any other ancestor of yours having Choctaw blood within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know sir.
- Q Did he or any other ancestor of yours having Choctaw blood go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838 or 1840? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know sir, I was small when we left Tennessee and don't know.
- Q Do you want to have your case consolidated with the case of your father, William Birdsong, who has just made application? A Yes sir.

The case of William Birdsong, et al., M. C. R. 6148, is here referred to for the purpose of consolidation.

The Choctaw Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830, if they wanted to have rights in the Indian Territory afterwards, were required under the provisions of that article within six months after the ratification of the treaty to go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names the Agent, whose name was Colonel Ward, neglected to put upon his list, known as "Ward's Register". And because of his neglect to do so a good many Indians lost their lands in the old Choctaw Nation upon which they had improvements. The lands and improvements on said lands were both taken from them by the government and sold at its public land sales. This caused a great many complaints among the Indians, and as a result of those complaints in 1837 Congress appointed a Commission under an act of Congress approved March 3rd of that year, which went to Mississippi and heard claimants

under article fourteen of the treaty of 1830. In 1842 another Commission was appointed under an act of Congress approved August 23rd of that year, which also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly occupied in the old Choctaw Nation and which the government had taken from them and sold? A No sir, not as I know of.

This scrip was issued to Choctaw Indians who proved their claim under article fourteen of the treaty of Dancing Rabbit Creek and also proved further that they formerly held land in Mississippi in the old Choctaw Nation which the government had taken from them and sold.

- Q Have you any other evidence that you want to present now in support of this claim? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to say now in support of this claim? A No sir, thats all.
- Q Have you any witnesses you want to call in support of this application? A No sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage; dark complexion, black eyes, black, curly hair, and he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of August, 1902.

B. J. Jones

Notary Public.

(102)

Muskogee, Indian Territory, December 31, 1902.

Owens Birdsong,

Clarksville, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Birdsong, et al., embracing the following applications for identification as Mississippi

Choctaws:

William Birdsong, et al.,	M.C.R. 6148
Owens Birdsong, et al.,	M.C.R. 6150
Luster W. Birdsong,	M.C.R. 6228
Oscar Birdsong, et al.,	M.C.R. 6230
Ananias Birdsong, et al.,	M.C.R. 6229

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Birdsong, Daisy Birdsong, Mette Birdsong, Eugene Birdsong,

Owens Birdsong-2

Lillian Birdsong, Owens Birdsong, Joseph Birdsong, Della Birdsong, Luster W. Birdsong, Oscar Birdsong, Freddie Edgar Birdsong, Ananias Birdsong, Rosetta Birdsong and Archie Birdsong, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James P. Fisher
Acting Chairman.

Registered.

COMMENT NEWS
TAMM BIXBY,
THOMAS B. NEEDLE,
C. R. BRECKINRIDGE
W. F. STANLEY

ALLISON I. AYLERWORTH
NE. KFTA

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.C.R. 6150.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 12, 1903.

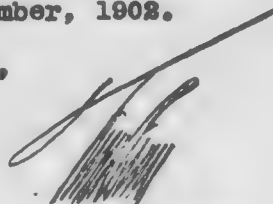
Owens Birdsong,

Clarksville, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Birdsong, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Uwms Birdsong.*Age *28* Blood *1/4*Post-Office, *Clarkville, L. T.*Father: *William Birdsong, l*Mother: *Bettie " d*Claims through *father*
wife (1)*Addie Birdsong, d, neg.*wife (2) (*mother of children*)*Bessie Birdsong l. neg.*
and children

Children:

*Joseph Birdsong 7**Hella " 5-**Claim for self
and 2 minor.*

Stenographer

W. H. Martin.



DEPT. OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 11 1903

[Signature]

Commodore



6150

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 17 1903



CHAIRMAN

REGISTERED
MAR 12 1903
MUSKOGEE, IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Owens Birdsong,

Clarksville, I. T.



Choctaw MCR 6151

Thomas N. Farmer
by
Andrew I. Farmer.

See MCR 6149

MCR 6151

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 15, 1902.

#6151.

In the matter of the application for the identification of
Thomas N. Farmer as a Mississippi Choctaw.

Andrew J. Farmer, appearing to make application for the
identification as a Mississippi Choctaw of his son, Thomas N.
Farmer, age twenty-five years, which son is now serving in the
United States Army in the Philippine Islands, after being first
duly sworn testifies with reference to this application as fol-
lows:

Examination by the Commission.

- Q What is your name? A Andrew J. Farmer.
Q What is your age? A I was born the 22nd of February, 1846.
Q Have you made application today to be identified yourself and
to identify your minor children as Mississippi Choctaws be-
fore the Commission? A I have.
Q You now wish to make application for your son, Thomas N.
Farmer? A I do.
Q You make this application by reason of the fact that he is now
serving in the United States Army in the Philippine Islands,
and for that reason is not able to come here to make the appli-
cation in person? A I do.
Q Do you make this application in order that his rights may be
preserved? A I do.
Q How old is your son, Thomas N. Farmer? A About twenty-five.
Q His post office address is what? A Judge, in his letters it is
such a queer name that I can't remember it now.
Q If his post office address is given the same as yours would his
mail be forwarded to him with reference to this application?
A Yes sir.
Q What post office address will you give in order that a letter
from the Commission will reach him if the Commission should
wish to communicate with him with reference to this application?
A Arapahoe, Gustar County, Oklahoma.
Q Where was your son, Thomas N. Farmer, born? A In Tennessee.
Q Where has he lived most of his life? A In Tennessee.
Q What is your wife's name? A Tennessee Farmer.
Q She is living? A Yes sir.
Q Is she the mother of Thomas N. Farmer? A Yes sir.
Q Through whom does he claim his Choctaw blood? A His father.
Q Through you? A Yes sir, through me.
Q Do you make application for him alone? A Yes sir.
Q Is he married? A No sir.
Q Is the name of your son, Thomas N. Farmer, on any of the tribal

- rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Has he or anyone for him ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I think not.
- Q Has he or any one for him ever made application for enrollment as a Choctaw Indian to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Has he ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A He has not.
- Q Has he or anyone for him before this time ever made application for him to be enrolled as a member of the Choctaw tribe of Indians either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify him as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you think you understand that article now? A Yes sir.
- Q Do you care to have a further explanation of it? A I don't know that I can give it correctly.
- Q Do you understand it well enough to claim under it without any further explanation? A Yes sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

- Q You think you understand that now thoroughly so as to claim under it for your son? A I do.
- Q Did any of his Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of the ancestor through whom he claims or through whom you claim for him a right to identification as a Mississippi Choctaw? A His great grandmother, Tidwell.
- Q Do you remember his great grandmother Tidwell's first name? A I do not.
- Q How much Choctaw blood did she have if any? A I don't know.
- Q Was that her maiden name? A Yes sir.
- Q What was her married name? A Davidson.
- Q What was her husband Davidson's first name? A I don't remember.

Thomas N Farmer—3

- Q Was he a white man? A I can't say that Judge.
- Q Did she live in Mississippi from what you have been taught?
A She did.
- Q From what you have been taught did she live there in 1830?
A Well, I don't know about that, Judge, I can't answer that question, I don't know.
- Q Can you give the name of any Choctaw ancestor of your son who did live in Mississippi in 1830 in the old Choctaw Nation, or in Alabama, and who complied with article fourteen of the treaty of 1830? A I can not.
- Q Do you know of any ancestor who was the head of a family there at that time? A I can not.
- Q You do not know whether his great grandmoter, Tidwell, was the head of a family living in the old Choctaw Nation in 1830?
A I do not, Judge.
- Q Do you know where she died? A In Tennessee I was taught.
- Q Do you know whether she was old or middle aged or young? A She was very old so I was told by my mother.
- Q You don't know whether she was born in Mississippi or where?
A No sir.
- Q Nor that she was married and living in Mississippi in 1830?
A No sir.
- Q Do you know if any of the Choctaw ancestors of your son, Thomas N. Farmer, were recognized members of the Choctaw tribe of Indians in 1830 or any time previous to that? A No sir, I do not.
- Q Did any of them own any improvements on land in Mississippi or Alabama in the old Choctaw Nation about 1830? A Not that I know of.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A Not that I know of.
- Q Did any of the Choctaw ancestors of your son, Thomas N. Farmer, own any land or claim any land east of the Mississippi river in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

The Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". This caused a good many Choctaw Indians who lived in the old Choctaw Nation and held land there upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a commission was appointed, which went to Mississippi and heard claim-

Thomas N Farmer-----4

ants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed under an act of Congress approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of the Choctaw ancestors of your son, Thomas N. Farmer, go before either of these two Commissions and claim any benefits under that article of that treaty? A Not that I know of.
- Q Did any of the Choctaw ancestors of your son, Thomas N. Farmer, receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which they had at one time held in the old Choctaw Nation and which the government had taken from them and sold at its public land sales? A Well, not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their land in the old Choctaw Nation has been taken from them by the government and sold.

- Q Have you any other evidence that you want to introduce now in support of your claim for your son, Thomas? A I have not.
- Q Do you want thirty days time in this case in which to introduce other proof in support of this application? A I do.

Thirty days time from the date hereof is allowed this applicant in which to introduce other testimony in support of this claim, and also to introduce evidence to prove the marriage of Andrew J. Farmer and his wife if he desires.

- Q Does your son speak the Choctaw language? A No sir.
- Q Can you give a description of his personal appearance, is he dark or light, color of his hair and eyes? A His hair is inclined to be a little curly and light; eyes rather blue; light complexion rather is the way I would give it.
- Q Is there anything further that you would like to say in support of this claim? A No sir.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 15th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to be ore me this 17 day of August, 1902.

W. H. Martin
Bojous
Notary Public.

CC

M C R 6151

Muskogee, Indian Territory, January 14, 1903.

Thomas N. Farmer,
Care Andrew J. Farmer,

Arapaho, Oklahoma.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
Florence Hudson, et al.,	M C R 6156
Thomas N. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"Said decision concludes as follows.

T H F-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas N. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 6151

COPY.

Muskogee, Indian Territory, March 23, 1903.

Thomas N. Farmer,

Arapaho, Okla.

Dear Sir:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Tame Dixie.
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Thomas N. Farmer, by*
his father, Andrew J. Farmer.
 Age *25* Blood

Post-Office, *Arapaho, Okla*Father: *Andrew J. Farmer, l*
~~*Thomas N. Farmer, l*~~Mother: *Tennessee " l.*

Claims through *father, Andrew*
J. Farmer,

~~CHIEF~~

This app. is for
Thomas N. Farmer
alone, made by
his father.

This app. is separated
from the app. of father
made on this date, because
at a different time.

Stenographer *W. H. Martin.*

Choctaw MCR 6152

James Truelove

See MCR 6377

MCR 6152

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 18, 1903.

6153.

In the matter of the application of James Truelove for the identification of himself as a Mississippi Choctaw.

James Truelove being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James Truelove.
Q What is your age? A Thirty-seven years old.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A about twelve years.
Q Where were you born? A In the Choctaw Nation about five miles from Fort Smith.
Q In the Indian Territory? A Yes sir.
Q Have you always lived in the Indian Territory? A No sir.
Q How long did you live in the Indian Territory after your birth?
A Until I was about fourteen years old.
Q And then you went where? A To Little Rock, Arkansas.
Q How long did you stay there? A I stayed there about twelve years.
Q Then you went where? A Come back to the Territory.
Q Been here ever since? A Yes sir.
Q What is your father's name? A Edom Truelove.
Q Is he living? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Dora Truelove.
Q Through which parent do you claim Choctaw blood? A My mother's side.
Q How much Choctaw blood do you claim? A My grandma was full blood Injun, and my mother's father was a white man and my father was a colored man.
Q How much Choctaw blood did your mother have? A Half.
Q And you claim how much? A One-fourth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities? A No sir, I don't know that she was.
Q Are you married? A Yes sir.
Q What is your wife's name? A Bettie Truelove.
Q Is she living? A Yes sir.
Q Is she a negro? A Yes sir.

James Truelove—2

- Q Do you make any claim for her? A No sir.
- Q Have you any children that you want to make application for? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
- Q Have you ever made application to the Choctaw tribal authorities to be enrolled as a member of that tribe in the Indian Territory? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you or any one for you ever made application before this time for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory under article fourteen of the treaty of 1830? (No response).
- Q Do you understand that article of that treaty? A No sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time of this treaty the Choctaws occupied a portion of the state and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Indians were unwilling to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family band of persons to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that well enough to claim under it? A I understand some of it, and some I don't.
- Q What is there about it that you don't understand? A About

James Truelove—3

the land in Mississippi,— you see I can't read.

Q You understand that article fourteen was intended to protect the interests of the Indians who stayed back there, don't you?
A Yes sir.

Q Did any of your ancestors comply or attempt to comply with article fourteen of that treaty? A No sir, nobody but my grandmother and grandfather at that time.

Q You claim through both your grandmother and grandfather? A My grandfather was a white man.

Q What was your grandmother's name? A Lucy Trice.

Q How much Choctaw blood did she have? A She was claimed to be a full blood, she couldn't talk English.

Q She was a full blood Choctaw? A Yes sir.

Q How do you know? A That's what everybody says, that she was a full blood Indian.

Q Did she speak the Choctaw language? A Yes sir.

Q Could she speak English? A Not very much, she could not understand it.

Q Did you know her y ursel? A Yes sir.

Q What kind of a looking woman was she? A An old thin jawed woman.

Q Did she have black hair? A Yes sir.

Q Curly? A No sir, coarse, long, straight hair.

Q How old would she be if she were living now? A About 70 years old, when she died.

Q When was that? A About four years ago.

Q She would be 74 if living now? A Yes sir.

Q Where was she born? A In Mississippi.

Q Did she claim through both her father and mother? A I don't know sir.

Q She must have if she was a full blood? A I guess she must have.

Q What was her father's name? A I don't know.

Q What was her mother's name? A I have heard her say, but I have forgotten.

Q Was Lucy Trice her married name or her maiden name? A Her married name.

Q She must have been two years old in 1830 was she not? A I guess she must have been.

Q You don't know her father's name? A No sir.

Q Never heard it? A No sir.

Q Ever hear her mother's name? A No sir.

—It will be necessary for you in order to support this claim which you make before the Commission to show the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi in 1830 and who had a family living there at that time.

By applicant: I have an aunt here that might know my grandmother, her mother's name.

By the Commission: What is your aunt's name? A Dinah Thompson.

Q Does she live in Muskogee? A Yes sir, and there is a woman living at Okmulgee named Mrs. Riley who might know my grandmother.

Q Do you think you can get these people here to testify in your case? A I can get my aunt here, and Mrs. Riley lives in Okmulgee.

Q When can you get your aunt here? A I can get my aunt here tomorrow.

James Truelove—4

This case will be continued for fifteen days, and during that time you are advised that you will be allowed to present testimony and witnesses in this case in support of your application.

- Q Were either your father or mother slaves? A My grandmother was not.
- Q Lucy Trice was not? A No sir, my father was.
- Q Was your mother, Dora? A I don't think she was, I think he married her after peace was declared.
- Q Do you know whether Dora's father or mother were slaves? A Her mother never was no slave.
- Q Was her father? A No sir.
- Q Do you know if any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir, I don't think they did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I think my grandmother come from out there in that time.
- Q That would be about 60 years ago; how old would she be if living now? A About 74 years old,-- no it ain't been quite that long, she has been here about 50 years.
- Q Who did she come with? A She come out here with her husband.
- Q Did her husband pay his own fare and his wife's fare out here? A No sir, they was transferred out here.
- Q By whom? A By the government I guess.
- Q Do you know? A No sir.
- Q What makes you think so? A I heard her say she was transferred out here.
- Q About 50 years ago? A Yes sir.
- Q Who came with them did you ever hear? A My aunt came out here with them.
- Q Any other Indians besides them? A No sir, not as I knows of, there was a good many of them that come, but some stopped off at Little Rock, a good many of them started, about 40 or 50 families, but they stopped off.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent of the government in Mississippi their intention to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of your Choctaw ancestors ever claim any land or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830? A No sir, I don't think so.

In accordance with the provisions of the 14th article of the treaty of 1830 the government directed an agent in Mississippi to register the names of Choctaws who desired to stay in the old Choctaw Nation east of the Mississippi river and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to stay in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830,

and on this account in many instances the land upon which Indians lived and had improvements and which they desired to reserve for them under said article fourteen, was sold by the government at its public land sales, and the Choctaws were deprived of their land. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a commission was appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed under an act of Congress approved August 23rd of that year, this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A No sir.

The act of Congress approved August 23rd, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government he should be entitled to get as much land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that certificates to that effect would be given to him, these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians under that act of Congress? A I think my grandma did.
- Q How do you know she did.
- Q I used to hear her talk something about scrip.
- Q What was this scrip? A Some kind of paper.
- Q What did that paper allow her to do? A She got something to eat with it.
- Q You heard that did you? A Yes sir.
- Q This scrip was given to her and entitled her to go and get something to eat did it? A Yes sir.
- Q Who gave it to her? A I can't tell you a thing about that, I was small.
- Q How old were you when you heard that? A About six or seven or eight years old.
- Q You don't know anything about any scrip or certificates that entitled her to go and select land? A No sir, yes sir, she got a certificate here at Fort Smith that she could go and get land, where she lived there at Fort Smith.
- Q Who gave her that certificate? A I don't know sir, but I know a good many of them got certificates and went out and selected a home across the Poteau river somewhere.
- Q What year was that? A I have forgot what year, but a good while ago.
- Q Were you living then? A Yes sir.
- Q And you are 37 now? A Yes sir, I guess I was 9 or 10 years old.
- Q That was about 20 years ago? A A little more than 20, about 27 years ago.
- Q That is the only scrip you know anything about? A Yes sir.
- Q Have you any other evidence that you want to introduce now, or any document that you want to file today before the Commis-

- sion? A No sir, I just want to get my rights all straight, I have not been before the Commission, and I wanted to come and get my rights all straight.
- Q This is the first time you have been here? A Yes sir.
- Q When do you think you can get your aunt before the Commission to testify? A I can get her here tomorrow.
- Q Tomorrow morning? A Yes sir.
- Q She lives here in Muskogee? A Yes sir, she is my father's sister.
- Q You have testified to all that you know about your ancestors have you? A Yes sir.
- Q Can you give the name of any Choctaw ancestor of yours who lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family there then,-- your grandmother, Lucy Price, you say was born 74 years ago in Mississippi, and therefore she would have been two years old at the time of the making of the treaty? A Yes sir.
- Q Can you go back any further than your grandmother? A No sir, that's as far back as I can go.
- Q You think your aunt can testify as to your grandmother's father and mother? A I think maybe she can, yes sir.
- Q Do you speak the Choctaw language? A No sir, I never did learn it.
- Q Your father was a white man? A He was a colored man.
- Q Full blood negro? A Yes sir.
- Q Your mother was what? A One half white and half Indian.
- Q So you would be one-half negro and one-fourth white and one-fourth Indian? A I guess so.

This applicant has the appearance and physical characteristics of being descended from negro parentage with some white blood; he claims Choctaw blood. The Commission is unable to determine from his appearance whether he has Choctaw blood or not; his hair is curly, his complexion is that of a part negro and part white; it may be possible that he has Choctaw blood also; his eyes are bright blue. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 18th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of August, 1902.

B. C. Jones
Notary Public.

M C R 6158.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 19, 1922.

In the matter of the application of James Truelove for the identification of himself as a Mississippi Choctaw, M. C. R. 6158.

Bianah Thompson, called as a witness by applicant, after being first duly sworn testifies with reference to this application as follows:

Examination by the Commission.

- Q What is your name? A Bianah Thompson.
Q What is your age? A 48.
Q What is your post office address? A Muskogee.
Q How long have you lived in Muskogee? A I have lived about 4 miles from here eleven years.
Q What is your occupation or your husband's occupation? A I have no husband.
Q Are you married? A No sir.
Q Are you a widow? A Yes sir.
Q Where were you born? A I was born in South Carolina.
Q Do you remember the place? A No sir I can't remember the place.
Q Have you any children? A No sir, none living.
Q From South Carolina you went where? A To Alabama.
Q And from Alabama where? A Mississippi.
Q When did you go to Mississippi? A I don't know what time it was, I was just a eleven year old girl.
Q And you lived there how long? A Two years.
Q Where did you live in Mississippi? A Monroe County.
Q From Mississippi you went where? A From Alabama to Mississippi and from Mississippi to Arkansas.
Q How long did you live in Arkansas? 22 years.
Q Where in Arkansas did you live? A Crawford County.
Q And from Arkansas you went where? A Creek Nation.
Q And have you lived in the Creek Nation ever since? A I lived in the Creek Nation eleven years.
Q Are you acquainted with James Truelove? A Yes sir.
Q Is he related to you? A Yes sir.
Q What relation? A My nephew.
Q Are you a sister of his mother or father? A His father.
Q Did his father have Choctaw blood? A His grandmother did.
Q Did his father or mother? A His mother.
Q Have you any Choctaw blood? A No sir.
Q Your race is negro? A Yes sir.
Q Altogether, or have you any white blood? A Negro and Cherokee.
Q You have no Choctaw blood? A No sir.

- Q You are not at all related to James Truslove's mother, who had the Choctaw blood? A Only by marriage, not by blood.
- Q Now tell what you know, if anything, about James Truslove's Choctaw ancestry, by ancestry I mean his grandfather or grandmother or great grandfather or great grandmother, or further back in a direct line, who lived in Mississippi in 1830 from whom he claims to be descended and from whom he derives his Choctaw blood,-- do you know anything about his relatives on his mother's side? A His grandmother and her father.
- Q What was his grandmother's name on his mother's side? A Lucy Trice.
- Q How much Choctaw blood did she have? A She claimed to be a full blood.
- Q Was Lucy Trice her married name? A Yes sir, her married name.
- Q What was her husband's name? A Hudson Trice.
- Q Did Hudson Trice, and his wife, Lucy, live in the state of Mississippi? A Yes sir.
- Q Did you know them there? A Yes sir.
- Q Was Hudson Trice a black man or a white man? A A yellow man, a negro.
- Q He had no Choctaw blood? A No sir, he did not claim any.
- Q Did Lucy Trice live in Mississippi in 1830, 72 years ago? A Yes sir, she lived there when I first got acquainted with her, I have been knowing her ever since I was a child.
- Q You are how old now? A 48.
- Q If she lived there in 1830 she would have lived there 72 years ago? A She was there when I got acquainted with her, and she was a grown woman then.
- Q 48 years ago? A Yes sir.
- Q About how old was she 48 years ago? A I don't know how old she was.
- Q Was she 30 or 50 or 70 years old, was she a middle aged or old woman? A She was I guess a middle aged woman, she was not an old woman, she had grown children when I got acquainted with her.
- Q Over 21 years of age? A Yes sir, her son that I married was a grown man when I was nothing but a child.
- Q Did she ever tell you anything about whether she lived in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir, I don't know that she did, but I knew she lived in Mississippi.
- Q Did she tell you that she always lived in Mississippi? A Yes sir.
- Q Did she tell you that she was born in Mississippi? A Yes sir.
- Q Have you any information or knowledge at all that she lived in Mississippi in the old Choctaw Nation in the year 1830 and that at that time had a family of children there? A In what time?
- Q In 1830, 72 years ago? A Yes sir, she was there then.
- Q Did she say so? A Yes sir, I know she was there in reason, because she was there and said she had been there all her life,
- Q You know her less than 48 years ago, because you are 48 years old now? A Yes sir.
- Q Therefore when you knew her it must have been at a time less than 48 years ago,-- about how old were you then? A I was small.
- Q Ten years old? A I was not ten years old when I got acquainted with her.

- Q You might have known her forty years ago? A Yes sir.
- Q How do you know if you knew her forty years ago that she lived in Mississippi 73 years ago? A Because she said she had been living there all her life, and white folks that knowed her said so.
- Q And her age was such at that time that you presume she was living there in 1830? A Yes sir.
- Q But you have no positive knowledge about that have you? A No sir, no positive knowledge that she did live there.
- Q What part of Mississippi did she live when you knew her? A Monroe County.
- Q Did she tell you that her father and mother lived in Mississippi? A Yes sir.
- Q Did you know them? A No sir I don't believe I did.
- Q Did she tell you which parent she got her Choctaw blood from? A From her mother she said.
- Q Do you know her mother's name? A No sir.

What I want to find out is this: I want to find out whether she or her mother, from whom she got her Choctaw blood, lived in Mississippi in 1830, that is 73 years ago when the treaty of 1830 was made, and if she did live there whether either of them was married and had a family of children living there then.

- Q Do you know anything about that? A I did not know her mother, I don't know whether she lived there or not, I don't know where she lived.
- Q You do not know her name? A No sir, didn't know her name.
- Q Then all you are able to say is that you knew Lucy Trice, the applicant's grandmother, about forty years ago in Mississippi, and that she had always lived there in Mississippi and told you so, and was about a middle aged woman when she told you that, and you therefore presume that she was living in Mississippi 73 years ago when the treaty was made, is that right? A Yes sir, I presume so.
- Q But you do not know that she was married there 73 years ago and had children there then? A No sir, I don't know where she was married at.
- Q You know she got her Choctaw blood through her mother? A That's what she said.
- Q You are not able to give her mother's name? A No sir, I don't know anything about her mother.
- Q Was she a slave? A Yes sir she was a slave.
- Q And was freed when the other negroes were freed? A Yes sir.
- Q At the time of the Proclamation? A Yes sir.
- Q Did you ever hear that her mother was a slave? A No sir.
- Q Never did learn about her mother? A I didn't know nothing about her father and mother at all.
- Q Were you a slave yourself? A Yes sir.
- Q And you were freed at the time of the Emancipation Proclamation? A Yes sir.
- Q Do you know whether any of the Choctaw ancestors of James Truelove owned any land or claimed any land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not as I know of.
- Q Did any of his Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States

- Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Yes that I know of.
- Q Did you ever hear that any of them went from that old Choctaw Nation east of the Mississippi river in Alabama and Mississippi to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A No sir.
- Q Do you know whether any of his Choctaw ancestors owned any land or claimed any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q As a matter of fact when you knew Lucy Trice, the grandmother of this applicant, she was at that time and up to that time had always been a slave? A Yes sir.
- Q She therefore could not have owned land in her own name? A It does not look so.
- Q You don't know whether her father and mother were slaves? A No sir I don't know.
- Q At the time you knew her she was married? A Yes sir.
- Q And her husband was a slave? A Yes sir.
- Q Do you know when she left the state of Mississippi? A Yes sir.
- Q Where did she go? A She went to Arkansas.
- Q Did you know her in Arkansas? A Yes sir, I guess I ought to, she most raised me.
- Q You married her son? A Yes sir.
- Q What was her son's name? A George Thompson.
- Q When was George Thompson born? A I don't know just when, he was about the age of forty.
- Q When? A What you might call a middle aged man when he married me and I was nothing but a child.
- Q When were you married? A I don't know when.
- Q Was it before the war or after the war? A After the war.
- Q And he was then forty? A Yes sir.
- Q How many years after the war was it? A It was about 12 or 13 years after, or probably longer.
- Q You think about 1875 or 1877? A Yes sir.
- Q And he was forty then? A Yes sir, thats what they gave his name in the license, forty years old.
- Q Then it would seem as though he was born some time after the year 1840 would it not? A Yes sir. I have heard her say many a time that she was quite young when he was born; that was her oldest child.
- Q He was born in Mississippi? A Yes sir, George.
- Q As near as you can recollect was he born before or after the year 1830, 72 years ago? A I don't know when he was born.
- Q He was the oldest child? A Yes sir, he was her oldest child.
- Q What was his full name, George Thompson? A Yes sir.
- Q And her name was Trice? A Yes sir, he went in her owner's name.
- Q He took his mother's owner's name? A Yes sir.
- Q How did she get her name of Trice? A Why, her husband.
- Q Was she married before the war? A Yes sir, before the war, of course in slavery times the white folks separated then but after they was freed they went back together again.
- Q You never heard where she was born? A No sir.
- Q Do you know anything about where she went when she went to Arkansas? A She went down here close to Fort Smith.
- Q Did she live there all the time? A There and over in the Choctaw Nation together.
- Q When did she die? A About seven years ago.
- Q How old was she when she died? A About 74 years old I expect.

5

- Q Seven years ago she was 74 years old? A Yes sir, it has been seven years ago.
- Q She would be about 81 or 82 years old if living now? A Yes sir.
- Q If she was living in Mississippi in 1830 she would have been a little girl less than ten years old, and therefore could not have been married and had a family there in 1830, could she. A No sir, I guess not.
- Q Do you know if any of the Choctaw ancestors of your nephew, James Truelove, were recognized as Choctaw Indians in the state of Mississippi or Alabama in the old Choctaw Nation in 1830? Q I did not know any of them but just his grandma and her children.
- Q You don't know whether they were recognized as Choctaw Indians? Q That's what they claimed.
- Q I mean by the Choctaw tribal authorities? A No sir, I don't know, you know I was quite small myself.
- Q You have told all you know about it have you? A Yes sir.
- Q What did she get at Fort Smith from the government, anything in the way of scrip or land? A I don't know of anything.
- Q That is all you know? A That's all I know.

Witness excused.

Mary Jane Wiley being called as a witness by applicant after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Jane Wiley.
- Q What is your age? A Fifty-two.
- Q What is your post office address? Muskogee.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A West Wiley.
- Q What is your nationality? A Cherokee citizen.
- Q You are admitted as a freedman are you? A Yes sir.
- Q Your blood is negro? A Yes sir.
- Q You are on the rolls as a freedman? A My mother is a full blood Cherokee.
- Q And your father a negro? A Yes sir.
- Q Were you a Cherokee slave at one time? A Yes sir.
- Q How long have you lived in Muskogee? A Been here three years.
- Q Where were you born? A On the Cherokee line in Fort Smith, Arkansas.
- Q Where did you live up to the time of the war? A At Fort Smith on the Cherokee line.
- Q And have lived there since? A Yes sir.
- Q Have you selected your allotment? A Yes sir.
- Q How many children have you? A Got five.
- Q All of them are members of the Cherokee tribe as Freedmen? A Yes sir.
- Q What do you know about James Truelove, are you related to him? A No sir, not at all.
- Q What do you know about him and about him having Choctaw blood? A I knew his grandmother? A No.
- Q What was his mother's name? A Lucy Price is his grandmother.
- Q What was his mother's name? A I don't know his mother or father.
- Q How did you get acquainted with his grandmother, Lucy Price? A She joined the church down in Fort Smith.

- Q How long has it been since you knew her? A I can't tell you. A good many years ago.
- Q About how long? A I couldn't tell you mister how long at all.
- Q When did she die? A I don't know, I did not know she was dead. I just know about when she come to Fort Smith.
- Q Can you tell when she came to Fort Smith? A No sir.
- Q How old a woman did she seem to be about that time? A A middle aged woman; her head was getting gray.
- Q And that was 20 or 30 or 40 years ago? A I think just about that time.
- Q What time? A About 40 years ago. I think about that time, it has been quite a while.
- Q Did you ever hear her say she had Choctaw blood? A Yes sir, I have heard her say so.
- Q Did you ever hear her say how much Choctaw blood she had? A No sir, but she looked like she had a good deal of Injun blood.
- Q About how much do you think she had? A She looked like an Injun squaw, she had long hair.
- Q Did she look a good deal like a negro woman? A No sir, she looked like an Injun.
- Q She looked like he had both Indian and negro blood did she not? A Yes sir, she had both.
- Q Did she ever live in Mississippi? A I don't know anything about her except just got acquainted with her up at Fort Smith; she joined the African Methodist Church that I belonged to, and then I went down to where she lived several times.
- Q Beyond the fact that you know she had Indian blood from her appearance and from what she told you do you know anything more about her being a Mississippi Choctaw? A No sir.
- Q Don't know that she lived in Mississippi? A No sir, I always heard that she was an Injun, Choctaw.
- Q Did you ever hear her say anything else? A No sir.
- Q Did she ever tell you that she lived in Mississippi? A No sir, and I never asked her', I knew she was Jim Truelove's grandmother.
- Q And that she lived in Fort Smith and joined the church there, and looked as though she had some Indian blood, is all that you know? A Yes sir.
- Q You never heard of the treaty of 1830 in Mississippi? A No sir, never heard of it.
- Q You never heard of article fourteen of that treaty? A No sir.
- Q How old do you think she would be if she were living now? A I couldn't tell you.
- Q Suppose she were living now how old do you think she would be, can you guess at it? A She would be pretty old, because her head was getting gray when I got acquainted with her.
- Q What do you mean by pretty old, 70 or 80 or 90? A Yes sir.
- Q Which? A 70 or 80.
- Q Do you think she would be 90? A Yes sir, I think so, by the time I got acquainted with her she was a middle aged woman.
- Q Do you think she would be 90 any more than you think she would be 70? A Yes sir I think so.
- Q I want to get at the best idea you have within three or four years of how old she would be if living now? A No sir, I can't tell you, I don't know how old she would be.
- Q When you knew her in Fort Smith, Arkansas, was she married? A Yes sir.
- Q Did she have any children? A Yes sir.
- Q Do you know whether any of those children were married when you

- when you knew her? A No sir, they were small.
- Q How old were you at that time? A I can't tell you exactly how old I was.
- Q You don't know your age exactly? A No sir, not exactly.
- Q Were you a young girl? A Quite a young woman when I got acquainted with her.
- Q And then she had small children at that time? A Yes sir, she seemed to be getting older than I was, she was getting gray.
- Q You were married and had young children when you say she was getting gray? A Yes sir.
- Q And you are fifty two years old now? A Yes sir.
- Q Do you think she was 20 years older than you were? A Yes sir, she looked older than I did.
- Q 20 years is a good many years, do you say she was 20 years older than you? A Yes sir, I think so.
- Q Any older than that? A I can't tell.
- Q Then you have no knowledge whether she lived in Mississippi in 1830 and had a family of children there then? A No sir, I never was in Mississippi.
- Q Never heard her say? A No sir, never heard her say.

Witness excused.

Lizzie Tanner being called as a witness by applicant after being first duly sworn testifies with reference to this application as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Tanner.
- Q What is your age? A About fifty, I don't know exactly.
- Q What is your post office address? A Muskogee.
- Q Are you married? A No sir, I am a widow.
- Q Have you any children? A Yes sir.
- Q How many children have you? A Three.
- Q What is your business or occupation? A I do most anything, wash and iron, and sell land and rent, and do most anything that comes handy.
- Q Do anything you can to make some money? A Anything to make an honorable living.
- Q How long have you lived in Muskogee? A Ever since Muskogee had two stores and two or three dwelling houses.
- Q Can you tell about how long that has been? A It must have been 28 or 9 years ago.
- Q Are you on the Freedman list of the Cherokee Nation? A No sir, of the Creek Nation.
- Q Have you selected your allotment? A Yes sir.
- Q You were then a slave of the Creek Indians? A Yes sir.
- Q Did you use to know the grandmother of James Truelove? A Yes sir.
- Q What was her name? A Lucy Trice.
- Q You know James, this applicant? A Yes sir.
- Q How much Choctaw blood do you think he has? A Jim has got about two-thirds, or three-thirds I reckon.
- Q He could not have three-thirds? A Two-thirds, that is my judgment, I can't tell you much about these people; my father was the father of a chief, and you can't tell much about these niggers that is mixed up so.
- Q Jim has blue eyes, how much white blood do you think this

- applicant, James, has? A I don't know that Colonel.
- Q Would you not think he had some by his blue eyes? A No sir, I had a nephew that had blue eyes and I am sure that he did not have any white blood, he did not that I know of, and he had deep blue eyes.
- Q How much Choctaw blood did his grandmother, Lucy Trice, have? A She did not show but very little colored blood.
- Q She had some did she not? A If she did it was very invisible to me.
- Q She was a slave at one time was she not? A I don't know that; I only know her about 31 years ago.
- Q Where did you know her then? A She lived near Fort Smith between Fort Smith and Van Buren on the Arkansas river.
- Q How old was she then? A To the best of my judgment she looked to be then about fifty years old I think, because an Indian does not silver as quick as other people.
- Q If she was fifty then it would make her eighty-one if living now? A Yes sir.
- Q Now the treaty of 1830, called the treaty of Dancing Rabbit Creek, was made in Mississippi in 1830, that would be 72 years ago, and if she would be 81 years old now she would have been about nine years old when that treaty was made,-- did you hear that she lived in Mississippi in 1830? A No sir, I never heard anything back of her past life until I met her there and she belonged to our church and I liked the old lady and visited her quite often.
- Q You call her an old lady at that time? A Yes sir, we called her grandma at that time, she was quite old, only her steps did not seem so springy as a woman at 50.
- Q Was she old at that time? A Tolerably.
- Q Did you ever hear her or anybody else say that she used to live in Mississippi? A No sir, she spoke of living somewhere in some old country, and when I knew her she went with another family going to some place in the Choctaw Nation and prove up her rights, I think the name was Mrs. Rawley.
- Q She went with a family named Rawley? A Yes sir, they was all looking up their Indian rights, and whether they found her to be Choctaws or not they was going to some place where there was an agent.
- Q Do you know when that was? A That was I guess about 30 years ago, as near as I can tell, this fellow was a little bit of a fellow and I had a little girl about his size and she is 32 years old.
- Q Did you know her after that? A No sir, not much.
- Q You don't know whether she established any rights at all? A No sir, I remember when she went and come back, but I was not interested and never asked about it.
- Q She came back and lived there at Fort Smith and lived there until she died? A I don't know where she died, I left her there. She worked for one man and I worked for his brother-in-law.
- Q When she went away to some place to prove up her rights where did she go? A Across the Poteau river, near Van Buren, she worked for Bob Gibson, and she come to the Choctaw Nation.
- Q The Choctaw Nation? A Yes sir.
- Q But you know nothing further about her proving any rights? A No

- Q sir, but that was their business.
Q Did you ever hear that she went before anybody in Mississippi before she left that state to prove up her rights? A No sir.
Q Did you ever hear of Article fourteen of the treaty of 1830? A No sir.
Q You never knew in fact that she lived in Mississippi? A No sir, I don't know what state, but she said she was Choctaw in some old state and was going to prove up her rights. I had quite a long talk with her about it.
Q You have testified to all you know about her? A Yes sir, all that I know.

Witness excused.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 18th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 17 day of August, 1902.

B. C. Jones
Notary Public.

M.C.R. 6152.

Muskogee, Indian Territory, May 1, 1903.

A.W. Jones,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your argument in the matter of the application of James Truelove for identification as a Mississippi Choctaw.

The same has this day been transmitted to the Secretary of the Interior in the matter of the consolidated Mississippi Choctaw case of Manuel Thompson, et al.

Respectfully,

Chairman.

M. C. R. 6152.

COPY.

Muskogee, Indian Territory, July 21, 1903.

James Truelove,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 17th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Manuel Thompson et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

(SIGNED)

J. H. GOULD
Commissioner in Charge.

MOR 6152

Muskogee, Indian Territory, January 12, 1906.

Read & McDonough,
Attorneys at Law,
Fort Smith, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 29, 1905, in which you desire to be advised the status of the application of James Truelove for citizenship in the Choctaw Nation.

In reply you are informed that it appears from the records of this office that on August 18, 1902, James Truelove, then about thirty-seven years of age, post office Muskogee, Indian Territory, son of Edom and Dora Truelove, and husband of Bettie Truelove, made application for identification as a Mississippi Choctaw.

On April 13, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws, all of the applicants in the consolidated case of Manuel Thompson, et al., of which the application of James Truelove is a part. This decision was approved by the Secretary of the Interior on June 17, 1903, and the case is considered closed.

You are further advised that it is not believed that James Truelove is entitled to share in the allotment of lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

9145-1909

Muskogee, Oklahoma, April 14, 1909.

Mr. James Truelove,
Coffeyville, Kansas.

Sir:

Receipt is acknowledged of your letter of February 25, 1909, by reference from the Commissioner of Indian Affairs, Washington, D. C. Therein you state that you have heretofore applied to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Choctaw Nation and request to be advised relative to your rights.

In reply you are advised it appears from the records of this office that on April 13, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Manuel Thompson, et al., in which case you appear as one of the applicants. This decision was affirmed by the Secretary of the Interior June 17, 1903, and notice of such Departmental action was furnished you by this office July 21, 1903.

You are further advised that under the provisions of the Act of Congress approved April 26, 1906, the rolls of citizenship of the Five Civilized Tribes were closed on March 4, 1907, since which date the Secretary of the Interior has been without authority to approve the enrollment of any person as a citizen or freedman

J T 2

of any of said tribes.

Since the date last above mentioned there has been no further legislation affecting enrollment in the Five Civilized Tribes, nor have I any information as to the probability of the reopening of the rolls at any future date.

Respectfully,

Commissioner.

McM

Received of the Commissioner of the Five Civilized Tribes
One copy of testimony of applicant & one copy of testimony of
witnesses; Dianah Thompson, Mary Jane Wiley & Lizzie Tanner
in case of Jas. Grueslow, et al, No. 6152. (A. V. Jones)

For Identification as a Mississippi Choctaw.

Date

Name James Truelove

Age 37

Blood $\frac{1}{4}$

Post-Office, Muskogee, I. T.

Father: Edom Truelove, l.

Mother: Nora " d

Claims through mother $\frac{1}{2}$
wife,Bettie Truelove, l. negro.
No claim for wife -

Children:

Claims for self alone

W. H. Martin

Stenographer ~~Chas. Mitchell Wood~~

Choctaw MCR 6153

Dicie V. Wren

See MCR 6154, 5808, 5814
5813, 5812, 5815

MCR 6153

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Dicie V. Wren, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Dicie V. Wren, et al.,	M.C.R. 6153
John Wren,	M.C.R. 6154
Robert Williams, et al.,	M.C.R. 5808
Nannie Butler, et al.,	M.C.R. 5814
Emma Bogges, et al.,	M.C.R. 5813
John Williams, et al.,	M.C.R. 5812
Millie Bogges, et al.,	M.C.R. 5815

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Dicie V. Wren, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Sworn copy of Bible record of the marriage of John Williams and Jenett Johnston-----	10
Original application of John Wren to the Dawes Commission for identification as a Mississippi Choctaw-----	11
Original application of Robert Williams, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	18
Copy of the certificate of marriage of Robert Williams and Mary Ann Pinkston-----	25
Original application of Nannie Butler et al., to the Dawes Commission for identification as Mississippi Choctaws-----	26

Original application of Emma Bogges, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	31
Original application of John Williams, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	36
Joint affidavit of Jonas Frazier and Samantha Hollingsworth-----	41
Copy of the certificate of marriage of John Williams and Edna Herring-----	42
Original application of Millie Bogges, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	43
Decision of the Commission refusing the ap- plications in the consolidated case of Dicie V. Wren, et al., for identification as Mississ- ippi Choctaws-----	48

6153

Department of the Interior .
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 19, 1902.

In the matter of the application of Dicie V. Wren for the identification of herself and her two minor children Elvin L. and Melvina Wren as Mississippi Choctaws.

Dicie V. Wren being first duly sworn testified as follows:

Examination by the Commission :

- Q What is your name? A Dicie V. Wren.
Q What is your age? A Forty eight last January.
Q What is your post office address? A Antioch, Chickasaw Nation, Indian Territory.
Q How long have you lived in Antioch? A We have just lived in Antioch two years.
Q Where did you live before you lived in Antioch? A We lived close round Antioch for twelve years.
Q Had that for your post office address? A No sir; not that long; we have lived in fifteen or twenty five miles of the place.
Q Where did you live before that? A We lived at Elmore first.
Q When you first came to the Territory? A Yes sir.
Q How many years ago was that? A Eight years I believe - seven or eight years.
Q Seven years from when? A Seven years since we lived there.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A In Leake County.
Q How long did you stay in Mississippi? A Sixteen years.
Q And then you went where? A To Texas.
Q Where did you go to Texas? A We went from Mississippi to McLellan County Texas and stayed a while and went to Johnson County Texas.
Q And stayed in Johnson County how long? A I cant tell you; we came to Texas in '69 and stayed on the Brazos one year and then moved in '70 to Johnson County and stayed until '77.
Q Did you stay in Texas until you went to the Indian Territory? A Yes sir; we stayed in Texas.
Q What is your father's name? A John Williams.
Q Is he living? A No sir; my father's been dead ever since the war was going on.
Q Is your mother living? A Yes sir.
Q What is her name? A Jenette Williams. She was a Johnston, before she married.
Q How do you spell that? A J-e-n-e-t-t-e.
Q Through which parent do you claim Choctaw blood your father or mother? A Father.
Q How much Choctaw blood do you claim? A Our evidence said my great grandmother was a full blood Choctaw.
Q How much do you claim? A That would make me an eighth would it; I am a great grand daughter of Pennie Fisher.
Q That is the maiden name of your great grandmother? A Yes; she married a fellow by the name of Sessum.
Q What was his given name? A Jacob.
Q Was he a white man? A Yes sir.

D V Wren 2.

- Q Can you tell when and where your father and mother were married? A Why no sir, I can tell you they was married in Mississippi though.
- Q Do you know when they were married? A Yes sir I can read that and tell. (Reads from Bible): "John Williams and his wife Jenette Johnston was married the 8th of June, 1844".
- Q That is taken from your family Bible is it? A Yes sir; that was my mother and father's Bible.
- Q And that is your recollection of their marriage taken from your family record? A Yes sir; now this is my father's own record; he wrote that himself.

It will be well for you to get a certified copy of this record of the family Bible and file with the Commission.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A Jimmie Wren. His name was James but everybody called him Jimmie.
- Q He's a white man is he? A Yes sir.
- Q Is he living? A No sir he died in January '96.
- Q Give me the names of your minor children under twenty one years of age and unmarried? A This one's of age but he's living at home.
- Q He will have to make application for himself. A Elvin L. Wren.
- Q How do you spell that? A E-l-v-i-n L. Wren.
- Q Is that a boy? A Yes sir.
- Q How old? A Nineteen.
- Q Not married is he? A No sir.
- Q The next one? A Melvina.
- Q M-e-l-v-i-n-a? A Yes sir.
- Q Is that a girl? A Yes sir.
- Q How is she? A Six teen.
- Q Is that all your children? A Yes sir.
- Q You claim for yourself and these two children? A Yes sir.
- Q You have two other children have you besides these who are under twenty one? A Yes sir, my daughter is twenty five; she's married.
- Q What's your daughter's name? A Delilah Fowler.
- Q Where is she living? A She lives with me.
- Q She's married is she? A Yes sir.
- Q Is her husband living? A Yes sir.
- Q What's her post office address? A Antioch.
- Q How many children has she? A Three.
- Q Under age? A Yes sir.
- Q What is the name of her oldest child? A Elvin Monroe Fowler.
- Q The next one? A Ethel.
- Q The next? A Evie.
- Q What is the name of your other child? A John Wren.
- Q He's here before the commission to make application too is he? A Yes sir and my daughter is in bed when I left home and if you need it I have got her license with me.
- Q She will have to appear and make application for herself.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Has your father ever been recognized in any way as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?

- A If he has we dont know anything about it; the Fishers had a split up back there and part of them wouldn't claim Indian and part of them did.
- Q Did you or anyone for you in 1896 make application for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I guess we did about that time.
- Q Do you know? A No sir I dont know for certain.
- Q Did you ever make appliation to any person or make an effort to become enroled with your family as Members of the Choctaw tribe? A We had some lawyers.
- Q You did try to make application? A We didn't try. We made application.
- Q You went to lawyers did you? A Yes sir.
- Q Now tell me the lawyers you went to? A Henry Byington.
- Q Where does he live? A Caddo
- Q What did you do with him? A We filed our cases there; they filed on it.
- Q Who filed on it? A My husband and Frank Harrison.
- Q What did they do? A Of course I wasn't there but they come back and said they filed; they went before a notary public and filed.
- Q What year was that? A Well we have all forgot exactly the year but this man that wrote that thinks it was in '94 and I think it was in '93 or four. And I dont know the date you know. We dont want to be wrong about it.
- Q Now as I understand you your husband went to an attorney named Henry Byington who lived in Caddo and engaged him as such attorney to make appliation for you and your children for citizenship ~~in~~ rights in the Choctaw Nation; is that right? A I guess it is.
- Q Dont you know it is; or do you know whether it is? A They said they filed.
- Q What do you mean by filed; when you go an attorney you dont file anything.
- A Aint this filing?
- Q This is making an application to be identified as a Mississippi Choctaw.
- Q What did Henry Byington do about it as your attorney? A Well after that the United States took hold of it and this here McPherrin-----
- Q Who is McPherrin? A He's another lawyer.
- Q You engaged another lawyer named McPherrin? A Yes sir.
- Q What did McPherrin do? A He didn't do anything for me.
- Q Was he engaged to assist you in getting rights for you and your children? A Yes sir.
- Q Nothing was done then? A No sir.
- Q Did you engage anybody else? A No sir.
- Q Tell me about when this was if you can? A Well it was - it must have been in '95; I dont know; I dont want to be positive about it.
- Q Then you never made any application for yourself and children to become enroled as members of the Choctaw tribe of Indians before to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Did you or anybody for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I guess they did; my papers came back at the same time those did for the notary to sign them.
- Q Do you know anything about it? A They said they filed on them.
- Q Do you know anything about it? A No sir I dont know; I know I had to go before a notary public and file.

- Q Do you know whether any application was made for you or your children to be enrolled as members of the Choctaw tribe of Indians to the Choctaw tribal authorities in Indian Territory?
- A Not only through another man; I won't be positive about it; that man may not have done it.
- Q Did you ever hear than any application was made for you or for your children for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A Yes sir.
- Q You have heard so? A Yes sir.
- Q You are sure of it? A No, I am wrong about it; they left our names out at the Dawes; I don't want to tell a story.
- Q Have you or anyone of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and these two minor children as Mississippi Choctaws? A No, I'm afraid to.
- Q You want to be identified as a Mississippi Choctaw don't you? A Yes I guess so.
- Q Do you make this claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Now let me ask you this question: Have you any relatives or kin-folks who have been before this Commission to be identified as Mississippi Choctaws? A Yes sir, John Sessums.
- Q Who is he? A One John Sessums is a second cousin of mine; and there's another John Sessums; there's several of the John Sessums and I didn't know they had been here until I came.
- Q The children of this John Sessums are Maggie L., Sallie M., Joseph V. and Sarah A. Are you related to him? A Yes sir I'm not positive about that but I think he's my pa's cousin.
- Q What relation is Eva Goodwin to you? A I don't know.
- Q What relation is William Sessums to you? A Second cousin.
- Q What relation is Thomas H. Sessums to you? A He's another that I don't know for certain but I guess he's my father's cousin.
- Q Is Peuben P. Sessums related to you? A That's another one I don't know; I'm not sure; they live at Ryan I think.
- Q Is John W. Sessums related to you? A I guess that's the John Sessums; yes sir.
- Q What relation is John Sessums to you? A Second cousin.
- Q Mandy Jane Pettigrew? A Second cousin.
- Q Pennie A. Dry? A Second cousin.
- Q James A. J. Williams? A Brother.
- Q Now these people have made application before the Commission to be identified as Mississippi Choctaws claiming through Pennie Fisher? Have they not? A Yes sir they have.
- Q Do you claim also through Pennie Fisher? A Yes sir Pennie Fisher is my great great grandmother and if I ain't like them others it will do us no good.
- Q Have you other relatives who have been admitted as citizens of the Choctaw Nation? A Not lately.
- Q Have you any other relatives who have been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for Indian Territory? A Yes sir; there's that W. P. Sessums, Elizabeth Harrison, and Martha Fleming.
- Q How are they related to you? A W. P. Sessums is a second cousin Elizabeth Harrison a third cousin and Martha Fleming a third cousin; and there's an Elcock Sessums is a third cousin.
- Q They have been admitted by the United States Court as citizens of the Choctaw Nation? A Yes sir.
- Q Do they also claim descent from Pennie Fisher? A Yes sir.

- Q Now will you explain to the Commission how it was if you engaged lawyers to see that your rights were obtained in the Choctaw nation that these relatives obtained their rights through judgment of the United States Court and you did not.
- A I cant explain it; I dont know what made them do it. It was through some mistake.
- Q Through whose mistake? A It was either through a mistake or done a purpose but I guess it was done a purpose.
- Q Were those lawyers - Henry Byington and this other attorney McPherrin - were they the lawyers for those people who were admitted? A Yes sir.
- Q And they did succeed in obtaining a judgment of the United States court for those other relatives but did not for you?
- A yes sir.
- Q Do you attribute it to the mistake made by those attorneys that you were not also included with those other relatives who obtained judgments? A Yes sir.
- Q And with the exception of that application which you tried to make through those attorneys and which they failed to make for you you never have made any application at all have you either to the United States court or the Dawes Commission or the Choctaw tribal authorities? A No sir.
- Q Do you understand article fourteen of the treaty of 1830?
- A No sir I dont.

The treaty of 1830 sometimes called the treaty of dancing Rabbit Creek was made at a place called Dancing Rabbit Creek in Mississippi on the 27th day of that year 1830 between the United States government and the Choctaw tribe of Indians; the object of that treaty was to remove all of the Choctaw Indians who lived in that old Choctaw nation east of the Mississippi river to the Choctaw nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw nation Indian Territory under the treaty with the other Indians and in order to protect the interest of those Indians who stayed back there in the old Choctaw nation article fourteen was drafted and put into the treaty and the treaty was signed and afterwards became ratified; that article is as follows: I will quote it to you just as it is in that old treaty.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now?
- Q I dont know sir; I guess I do.

Article fourteen of the treaty of 1830 was put there simply to protect the rights of those Choctaw Indians who stayed back in the old Choctaw Nation; now they might stay there and take land and at the end of five years they could own that land; they could receive a patent for it from the government provided they did this; they had to go to the agent within six months after the treaty was ratified and tell him they wanted to stay in Mississippi and take land and become citizens of the states; now if they did that they could afterwards go to the Indian Territory and have all the rights of the other Choctaw Indians who went under the treaty only they couldn't have the annuity payments which were moneys that were being paid to the Choctaw tribe of Indians yearly; that is to the Indians who went under the treaty; but they could have land and all other rights.

- Q Do you know if any of your ancestors complied or attempted to comply with article fourteen of the treaty of 1830?
- A No sir I don't.
- Q Do you know the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
- A Pennie Fisher.
- Q What was her married name? A Sessums.
- Q Did you ever hear her husband's full name? A Jacob Sessums.
- Q Was he a white man? A Yes sir.
- Q How much Choctaw blood did Pennie Fisher have? A All I know is what our witnesses say - full blood.
- Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830? A She lived in Mississippi.
- Q Did she have a family of children living with her then?
- A Yes sir.
- Q She was then the head of a family living in the old Choctaw Nation in Mississippi in 1830? A Yes sir.
- Q Is she the same Pennie Fisher that John Sessums and others M.C.R. 184, are descended from? A Yes sir.
- Q Have you any proof that Pennie Fisher lived in the old Choctaw Nation in Mississippi in 1830 and had a family of children living with her there and that she complied or attempted to comply with article fourteen of the treaty of 1830?
- A I haven't got any with me.
- Q Have you any other proof than was offered in the case of John Sessums et al in his consolidated case? A No sir; I can get them though.
- Q Can you get anything in addition to what these people have testified to? A No sir I can't.
- Q There is no necessity of continuing your case for the introduction of new testimony is there? A No sir.
- Q Whatever testimony was offered by them in their applications is all that you could offer in your own is it? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830? A If they did I don't know it.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A There's some come from Mississippi ever here.
- Q Was that between 1833 and 1838? A Yes sir they began to drop off about that time.
- Q What do you mean by began to drop off? A Drop back west.

- Q Do you mean to say that some of your Choctaw ancestors began to go from the old Choctaw nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory between 1833 and 1838? A Yes sir.
- Q Do you know when they went? A No sir; they just went ; I've heard my mother speak about when they began to scatter.
- Q Do you know who went? A A lot of the fishers and some of the Sessums.
- Q What relatives of yours went from the old Choctaw nation east of the Mississippi river to the Choctaw nation Indian Territory? A We got an Aunt Nancy Fisher living here at Skullyville Indian Territory.
- Q When did she come to the Indian Territory? A It was a long time ago.
- Q How old is she now? A I guess she would be about a hundred
- Q Was she made application to be identified as a Mississippi Choctaw? A She owns the whole territory over there nearly.
- Q Was she admitted by judgment of the United States Court.
- A I dont understand it.
- Q You told me that some of your relatives had been admitted by judgment of the United States Court; was she admitted by a judgment of the United States Court? A Not that one; she come here, took up land there and was on the roll then. Long years ago.
- Q Was her name on the Mississippi Choctaw index roll of 1896?
- A No sir; these here is all I know anything about.
- Q You dont know whether this relative is a member of the Choctaw tribe do you? A No sir I dont know for certain.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel William Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I think so.
- Q I dont believe you understand that question do you? A Not exactly but I think they did.
- Q What makes you think so? A Because some of them stayed and owned land and some come to the Indian Territory.
- Q Did they get that land which they owned in the old Choctaw nation in Mississippi from the government? A I dont know sir whether they did or bought it.
- Q If they stayed in Mississippi and owned land there and if they did comply as you say they did with article fourteen of the treaty of 1830 they must have gone to Colonel William Ward and told him they wanted to take land in Mississippi and must have taken that land and lived on it for five years and they must have received a patent for that land from the government; or either that or they must have gone before the United States Commission in 1837 or the United States commission in 1842 and proved their rights before one of these two commissions and received land from the government.
- Q How do you know whether they did any of those things? A No sir I dont.
- Q Did any of your Choctaw ancestors own any land or claim any land or any benefits of any kind in the Choctaw nation east of the Mississippi river under article fourteen of the treaty of 1830? A Not that I know of.

The Choctaw Indians who stayed in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent whose name was Colonel Ward and tell him they wanted to stay in Mississippi and wanted to take land in that state in the old Choctaw Nation and that they wanted to become citizens of the states; that was required to be done within six months after the treaty was ratified; that is within six months after the twenty fourth day of February 1831; a good many Indians did this whose names Colonel Ward the United States Indian Agent who had an office in Mississippi at that time neglected to put upon his list which has since been known as Ward's register; now his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements and which they wanted reserved for them under the fourteenth article had their land and the improvements which were upon the land taken from them by the government and sold at its public land sales; this caused so many complaints that in 1837 by an act approved March 3 of that year a commission was appointed by Congress; this commission went to Mississippi and heard claims under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed any rights under that article of that treaty? A No sir I don't.
- Q What were you going to say about your father? A I know my father didn't claim land back there.
- Q Your father would have hardly been old enough would he?
- A No sir.
- Q How old would your father be if living now? A About seventy six I guess.
- Q Where was he born? A In Mississippi.
- Q And his mother's name was Dicie Williams was it? A No sir; his mother was Polly Williams or Mary Williams.
- Q He was born in Mississippi seventy six years ago? A Yes sir some where about that.
- Q And his mother's name was Mary or Polly Williams; what is his father's name? A Weil Williams.
- Q Through which parent did he get his Choctaw blood.
- A Pernie Fisher.
- Q Through which parent? A His mother.
- Q Through Mary or Polly Williams? A Yessir.
- Q And she was living in Mississippi then in 1830 was she?
- A Yes sir.
- Q And had a family of children then; in fact your father was living then with her in 1830? A Yes sir.
- Q So Mary or Polly Williams is the ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Yes sir.
- Q Polly Sessums is your ancestor who had the Choctaw blood that lived in Mississippi in 1830 and was head of a family

- then; she married Neil Williams? A Yes sir.
- Q And your father was John Williams who was born in Mississippi seventy six years ago or thereabout ? A Yes sir.
- Q And he had these children did he not : picie Williams who married James Wren and C.B.H. Williams? A Yes sir.
- Q Is he living or dead? A He's living yonder at Elmore.
- Q Has he made application to be identified as a Mississippi Choctaw? A I think he has.
- Q And James A. Williams is anot her brother? A Yes sir.
- Q Is he living? A Yes sir.
- Q Do you know the name of his wife ? A Henrietta Williams.
- Q Where are they living? A In the Pott Country.
- Q That is the Pottawatomie Country Oklahoma? A Yes sir.
- Q Have they any children? A Eleven.

The act of Congress approved August 23, 1842 provided that if any Choctaw should prove his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land either in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and should be given a certificate to that effect;; these certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any of this scrip from the government as Choctaw Indians? A Not that I know of.
- Q Have you any other evidence you want to introduce now - evidence or papers of any kind? A No sir; not with me; I just thought my papers was all here.
- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair and brown eyes; fair complexion; does not understand or speak the Choctaw language and has no knowledge of any of the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of August 1902.

B. C. Jones
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Dicie V. Wren, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Dicie V. Wren, et al.,	M.C.R. 6153
John Wren,	M.C.R. 6154
Robert Williams, et al.,	M.C.R. 5808
Nannie Butler, et al.,	M.C.R. 5814
Emma Bogges, et al.,	M.C.R. 5813
John Williams, et al.,	M.C.R. 5812
Millie Bogges, et al.,	M.C.R. 5816

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Dicie V. Wren for herself and her two minor children, Elvin L.
and Melvina Wren; by John Wren for himself; by Robert Williams
for himself and his two minor children, Bessie and Claud Williams;
by Nannie Butler for herself and her three minor children, Carrie
Lee, Willie C. and William L. Butler; by Emma Bogges for herself
and her two minor children, Beulah and Alvin W. Bogges; by John
Williams for himself and his minor child, Clarence Williams; and by
Millie Bogges for herself and her minor child, Rosie Bogges, under
the following provision of the act of Congress approved June 28,

1898, (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Pennie Sessums (nee Fisher), who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Pennie Sessums (nee Fisher), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to

rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Diola V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Willie Bogges and Rosie Bogges, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) I. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 11 1903

Miss. Choctaw 6153

Muskogee, Indian Territory, November 10, 1902.

Dicie V. Wren,

Antioch, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 5, inclosing affidavit of Jenett Williams, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in your case.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 11, 1903.

Dicie V. Wren,

Antioch, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 5808,
Nannie Butler, et al.,	M.C.R. 5814,
Emma Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges, and Rosie Bogges, as Choctaw Indians entitled to rights in the Choctaw

D. V. W. # 2.

law lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 6153.

Muskogee, Indian Territory, February 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 3803,
Nannie Butler, et al.,	M.C.R. 5814,
Emma Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815,

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495),

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges, and Rosie Bogges, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

M., McM. & C. # 2.

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Dicie V. Wren, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 11, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Dicie V. Wren, et al.	M.C.R. 6153
John Wren	M.C.R. 6154
Robert Williams, et al.	M.C.R. 5808
Nannie Butler, et al.	M.C.R. 5814
Emma Bogges, et al.	M.C.R. 5813
John Williams, et al.	M.C.R. 5812
Millie Bogges, et al.	M.C.R. 5813

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of John Stephens, et al.,

Hon. Sec. Int., --2

decision in which was rendered by the Commission on June 4, 1902,
and approved by the Secretary on November 5, 1902.

Respectfully,

SIGNED,

Tamc Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6153

(C O P Y)

Land.

13,886-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Nicole V. Wren for herself and her two minor children, Elvin L. and Melvina Wren: John Wren for himself: Robert Williams for himself and his two minor children, Bessie and Claud Williams: Nannie Butler for herself and her three minor children, Carrie Lee, Willie C. and William L. Butler: ~~Anna~~ Bogges for herself and her two minor children, Beulah and Alvin W. Bogges: John Williams for himself and his minor child, Clarence Williams; and Millie Bogges for herself and her minor child, Rosie Bogges, wherein a decision adverse to the applicants was rendered by the Commission on February 11, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Pennie Sessums, nee Fisher, who, it is claimed, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi at the date of the making of the

Choctaw treaty in 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim did not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the name of Pennie Sessums nee Fisher, and it is discovered that her name does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

(E.B.H.)

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(COPY)

D.C.16027

J.W.H.

I.T.D. 3064-1903.

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L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 25, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 27, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Cheetaws of Dicie V. Wren (M.C.R. 6153), Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Edna Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Mille NBogges, and Rosie Bogges, including your decision of February 11, 1903, refusing to identify them as such.

It seems that this family originally resided in Leake County, Mississippi. They now live in the Indian Territory. It is claimed that their common ancestor, John Williams, was born in Mississippi in 1826; that he was the son of Mary (or Polly) Williams, and that the latter was the daughter of a full blood Choctaw woman named Mrs. Jacob Sessums, nee Pennie Fisher.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed."

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M. C. R. 6153.

COPY.

Muskogee, Indian Territory, July 16, 1903.

Mansfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by mail on the 11th day of February, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M. C. R. 6153.

COPY.

Muskogee, Indian Territory, July 18, 1903.

Dicie V. Wren,

Antioch, Indian Territory.

Dear Madam:-

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Consolidated Case
of

Dicie V. Wren et al.

Age Sex

POST OFFICE

RESIDENCE
COUNTY

Pennie Fisher (fb)

mar

Jacob Sessums

11/11/07

Polly or Mary Sessums

mar

Neil Williams

John Williams $48\frac{1}{2}$ (dead)

mar

Janette Johnston

James A. J. Williams

mar

Henrietta Frazer

SUPPLEMENTAL

to

18 21

approved 11/5/07

mar
615

Dicie V. Williams $48\frac{1}{8}$

mar

Jimmie Wren - w.
(dead)

mar
6153

Elvin L. Wren 19

"Melvina Wren 16

mar
6154

John Wren $21\frac{1}{6}$

Delilah Wren

mar

— Fowler

Elvin Monroe Fowler

Ethel Fowler

Ernie Fowler

mar
5808

Robert Williams 29

mar

Mary Ann Pinkston - w.

mar
5808

Bessie Williams 4

Claud Williams 2

mar
5814

Nannie Williams $27\frac{1}{6}$

mar

V. B. Butler - w.

mar
5814

Carrie Lee Butler 5

"Willie C. Butler 4

"William Lee Butler 1

mar
5813

Ernie Williams $22\frac{1}{6}$

mar

Jim Bogges - w.

mar
5813

Benlah Bogges 4

Alvin W. Bogges 2

mar
5812

John Williams $21\frac{1}{6}$

mar

Edna Herring - w.

mar
5812

Clarence Williams 11m

mar
5815

Millie Williams $19\frac{1}{6}$

mar

Charlie Bogges - w.
(dead)

mar
5815

Rosie Bogges 7m

For Identification as a Mississippi Choctaw.

Date

Aug. 1

Name *Wicie V. Wren.*Age *48* Blood *1/8*Post-Office, *Antioch, I. T.*Father: *John Williams, d.*Mother: *Imette " l.*Claims through *father*
husband.
Jimmie Wren. & d

Children:

*Elvin L. Wren, M. 19**Melvina " F. 16**Claims for self and
two children.*Stenographer *Clara Mitchell Wood.*

Choctaw MCR 6154

John Wren

See MCR 6153

MCR 6154

6154

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, August 19, 1902.

In the matter of the application of John Wren for
identification as a Mississippi Choctaw.

John Wren being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Wren.
Q What is your age? A Twenty one.
Q What is your post office address? A Antioch, Indian Territory.
Q Where were you born? A Texas.
Q Where in Texas? A Johnson County.
Q How long did you live in Texas? A I lived in Texas about nine years.
Q Where did you go after that? A To the territory.
Q And you have lived in the Territory where? A Near Antioch.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Jimmie Wren.
Q Was he a white man? A Yes sir.
Q What is your mother's name? A Divie V. Wren.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A About one sixteenth I reckon.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, she hasn't been enrolled.
Q Your mother has made application on this date to be identified as a Mississippi Choctaw has she? A Yes sir?
Q Have you any children you want to make application for & you are not married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I haven't myself.
Q Have you made application through anybody else at any time? A Nothing only Henry Byington.
Q Who was Henry Byington? A A lawyer.
Q Living where? A Caddo
Q Indian Territory? A Yes sir.
Q What was done when Henry Byington was consulted with reference to making application for you for citizenship in the Choctaw Nation - what did he ever do? A I don't think he ever did anything.
Q Was this application made by you or made for you by your mother? A By my mother.
Q And nothing was done with that application? A No sir.
Q Did Henry Byington do anything for you or for your mother? A No sir.
Q Was any other lawyer ever consulted in reference to

- an application made for you by your mother or anybody else for citizenship in the Choctaw Nation? A Yes sir.
- Q What other lawyer? A McPherrin.
- Q Where did he live? A I dont know whereabouts he liv ed.
- Q Did he live at Caddo? A Yes sir I reckon.
- Q Did anything ever come of this application which he should have made for you? A It come that he was our lawyer.
- Q Did he do anything for you as your attorney? A No sir.
- Q Then no application of yours ever was presented to the Choctaw tribal authorities in the Indian territory or the Dawes Commission? A No sir.
- Q Was any application ever made for you or by you in the year 1896 for citizenship in the Choctaw Nation to the Commission to the Five civilized Tribes under the act of congress of June 10, 1896? A I guess there was before that.
- Q I dont suppose that it was before that; it could 'nt have been made to the Dawes Commission before '96; now the question is was any application made by you or for you for citizenship in the Choctaw nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir; not to the Dawes.
- Q Have you or anyone for you ever made application before this time for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? Except what you have already stated.
- A No sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830 ?
- A Well I dont know that I understand it.
- Q Have any of your relatives been before the Commission to be identified as Mississippi Choctaws claiming under article fourteen of that treaty? A Yes sir.
- Q How is John Sessums related to you? A Third or fourth cousin; I dont know which.
- Q What relation is James A.J. Williams to you? A Sir.
- Q Your mother's brother? A Yes sir.
- Q He has been before the Commission has he not to be identified as a Mississippi Choctaw? A I think so..
- Q Fannie A. Dry - what relation to you? A Either third or fourth cousin; I dont know which..
- Q Amanda Jane Pettigrew? A Same kin
- Q What? A Third or fourth I dont know what.
- Q These relatives and others have been before the Commission to be identified as Mississippi Choctaws, A Yes sir.
- Q Through whom do they claim their right? A Fennie Fisher.
- Q Do you claim through Fennie Fisher also? A Yes sir
- Q Was that her maiden name or married name? A Maiden name.
- Q Whom did she marry? A Jacob Sessums.
- Q What relation is Fennie Fisher to you? A I reckon she was my greatgreat grandmother .
- Q You mentioned the names of some of your relatives who had been before this Commission to be identified as Mississippi Choctaws claiming under article fourteen of the treaty of 1830 and claiming Fennie Fisher as a common ancestor; now do you know of any relatives who have ever been admitted to citizenship in the Choctaw nation? A Yes sir.

- Q Give us their names please? A I guess they have been admitted.
- Q Give their names? A W.R. Sessums.
- Q What relation is W.R. Sessums to you? A Third cousin I think.
- Q Can you think of any other relatives who have been admitted?
- A Lizzie Harrison.
- Q Are there any others whose names you can't recall now?
- A Martha Flemming, Aleck Sessums.
- Q Who were the attorneys for these people who are relatives of yours who have been admitted to citizenship in the Choctaw Nation? A McPherrin and Henry Byington.
- Q Were they also your mother's attorneys when she consulted them for herself and her children? A Yes sir.
- Q And these other relatives were admitted to citizenship and your mother and her children were not? A Yes sir.
- Q Do you know how these people were admitted to citizenship in the Choctaw Nation; was it by the Dawes Commission, by the Choctaw tribal authorities or by the United States Court in Indian Territory? A By the Dawes I think.
- Q Are you sure about that or was it by a judgment of the United States Court? A I don't know for certain.
- Q You do know that they were admitted to citizenship do you?
- A I know they claim they were.
- Q But you do know that your mother and her children were not?
- A Yes sir.
- Q Through whose fault was it that these other relatives were admitted and your mother and her children were not admitted and all had the same lawyers; through whose mistake or negligence was it that she and her children were not admitted?
- A I don't know but I suppose it was the lawyers.
- Q As a matter of fact then you have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory have you? A No sir.
- Q And no application was ever made for you except that those attorneys were consulted and failed to present your names to the authorities for citizenship in the Choctaw Nation; is that right? A That's right.
- Q Did you say you understood article fourteen of the treaty of 1830? A No I don't exactly understand it.
- Q The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September of that year the object of that treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; the reason why the government desired to remove the Indians from that nation east of the Mississippi river to the Choctaw Nation Indian Territory was because in the old Choctaw Nation the Indians were encroached upon by the white citizens of the states of Mississippi and Alabama. Their lands were taken from them by the white citizens and the United States government felt powerless to redress the wrongs of the Indians committed upon them by the inhabitants of the states wherein the Indians were located; the government therefore desired to move those members of the Choctaw tribe from states territory to governmental territory where they might protect them and for that reason the treaty was made; a good many Indians refused to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the rights of those Indians who stayed back there, article fourteen was drafted and put into the treaty of 1830 and the

treaty was then signed and afterwards became ratified on the 24th day of february 1831. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article you think? A Yes sir I understand it.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Pennie Fisher.
- Q What relation was she to you? A My great great grandmother
- Q How much Choctaw blood did Pennie Fisher have? A The evidence said she was a full blood.
- Q What was the name of her husband? A Jacob Sessums.
- Q Did Pennie Fisher speak the Choctaw language? A I dont know.
- Q Did she have any Choctaw Indian name? A I reckon she did.
- Q What makes you reckon she did? A I guess it was because she was a Choctaw Indian.
- Q I guess you dont know anything about that do you? A She must have had.
- Q You never heard that she had a Choctaw Indian name did you?
- A Yes sir.
- Q You did hear she had a Choctaw Indian name? A Yes sir I did hear it.
- Q Who told you that Pennie Fisher had a Choctaw Indian name?
- A She didnt exactly say she had a Choctaw Indian name but she said she was a Choctaw Indian.
- Q You dont know anything about the name do you? A Nothing only what they said her name was.
- Q What did they say her name was? A Pennie Fisher
- Q Is that a Choctaw Indian name; that sounds like an English name; you dont know what I mean by a Choctaw name do you?
- A I dont know as I do.
- Q Did you ever hear that she had any other name except pennie Fishers and afterwards the name of her husband Pennie Sessums
- A That's all I know - Pennie Fisher and after she married was pennie Sessums.
- Q Did you say she spoke the Choctaw language? A No sir I didnt say.
- Q If she was a full blood wouldnt she speak the Choctaw language. A I dont know; I guess she would. I never seen her.

- Q What makes you guess it? A Because she was a full blood, I
Q lowed she could. I've seen some that cant.
Q Come, Come, we are not talking about some full blood as
you have heard speak the English language; I asked you if
you knew whether pennie Fisher spoke the Choctaw language or
not? A No sir I dont .
Q How old would she be if living now? A I dont know exactly;
I guess she would be something near a hundred years old.
Q What makes you guess so much? A I dont positively know.
Q You claim through your mother do you not Dicie V. Wren.
A Yes sir.
Q She claimed through whom - her father or mother? A Her father
Q What was her father's name? A John Williams.
Q John Williams claimed through whom - father or mother? A
Mother
Q What was John Williams' mother's name? A Polly Williams
Q Was she the daughter of Pennie Sessums or Fisher?
A Yes sir.
Q Was that her full name or did she have any other name?
A Not that I know of.. Her right name I guess was Mary.
Q What makes you guess it was Mary; because Mary is called
Polly sometimes? A Yes sir.
Q And you have heard that it was Polly or Mary Williams?
A Yes sir.
Q Did she live in Mississippi in 1830? A She did if she was
living.
Q Do you know anything about that? A I dont know whether she
was living at that time or not.
Q Her son was John Williams was it? A Yes sir.
Q How old would he be if living now? A Something near seventy-
six.
Q Was he born in Mississippi? A Yes sir.
Q How do you know whether in 1830 - that was seventy two years
ago- Polly Williams or Mary Williams was living in the
state of Mississippi in the old Choctaw nation and had at
least this one son John Williams living at that time?
A Yes sir; she was there if she was living at all.
Q Do you know whether her mother Pennie Sessums was living
there then? A Yes sir if she was living at all she was.
Q Do you know whether she was living at all at that time?
A I dont know.
Q Did you ever hear that she was living at that time? A I
dont know that I did.
Q Dont you know the name of any of your Choctaw ancestors who
lived in the old Choctaw nation in Mississippi in 1830 and
who was the head of a family there then? A Not unless
it was this one.
Q But you are not positive about that are you? A I dont know
that they were living.
Q You never heard that they were living at that time.
A No sir I never heard that they were.
Q Did any of your Choctaw ancestors own any improvements on
land in the old Choctaw nation in Mississippi in 1830?
A I dont know.
Q Did any of your Choctaw ancestors within six months after
the treaty of 1830 was ratified go to the United States India
agent Colonel William Ward and tell him they wanted to stay
in Mississippi, take land and become citizens of the states?
A I dont know.
Q Did any of them go from the old Choctaw Nation east of the
Mississippi river to the Choctaw Nation Indian Territory
with the other Indians between 1833 and 1838 or '40? A I

John Wren 5.

cant say.

- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I dont know.
- Q The Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river in 1830 were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months from the date of the ratification of the treaty - that is within six months from February 24, 1831, and tell this agent that they wanted to stay in Mississippi and take land and wanted to become citizens of the states; and great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; his failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 as well as in 1842 Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; one was under an act approved March 3, 1837 and the other August 23 1842.
- Q Did any of your Choctaw ancestors go before either of those commissions and claim any benefits under that article of that treaty? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know whether they did or not.
- Q Did any of your Choctaw ancestors ever claim any rights or were they ever recognized in any way in Mississippi or in Alabama in the old Choctaw Nation under the fourteenth article of the treaty of 1830? A I dont know.
- Q Have you any other evidence you want to introduce now? A No sir I guess not.
- Q Is there anything you want to say in support of this claim A Not that I know of.
- Q You want to have your case consolidated with the case of your mother Dicie V. Wren and considered together? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has brown eyes and brown hair; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled case on the 19th day of August 1902 and

John Wren 6.

that the above and foregoing is a full true and correct
transcript of her stenographic notes of said proceedings on
said date.

Wm. W. Jones
Subscribed and sworn to before me this 2 day of August 1908.

W. W. Jones
Notary public.

COPY.

Muskogee, Indian Territory, July 16, 1903.

John Wren,

Antioch, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th day of May 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February 1903.

Respectfully,

I. B. Needles.
Commissioner in Charge.

COPY.

M.C.R. 6154.

Muskogee, Indian Territory, February 11, 1903.

John Wren,

Antioch, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 5808,
Nannie Butler, et al.,	M.C.R. 5814,
Emma Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges

J. W. # 2.

and Rosie Bogges, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Jame Dixey.
Acting Chairman.

Registered.

For Identification as a Mississippi Choctaw.

Date

Aug 11

Name John Wren.

Age 21 - Blood $\frac{1}{16}$

Post-Office, Antioch, D. T.

Father: Jimmie Wren. d

Mother: Kicie V. Wren, l. ~~l.~~

Claims through mother

Children:

Claims for self
alone

Stenographer Clara Mitchell Wood, !

Choctaw MCR 6155

William Farmer

See MCR 6149

MCR 6155

Department of the Interior.
 Commission to the five Civilized Tribes.
 Muskogee, Indian Territory, August 20, 1902.

In the matter of the application of William Farmer
 for the identification of himself and his minor child Lucille
 Farmer as Mississippi Choctaws.

Applicant represented by S. Heard, Attorney at Law.

William Farmer being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Farmer.
 Q What is your age? A Thirty-three years.
 Q What is your post office address? A Arapaho, Oklahoma.
 Q How long have you lived at Arapaho? A About two years.
 Q Where did you live before that? A In Texas.
 Q Were you born in Texas? A No sir, Tennessee.
 Q Where were you born in Tennessee? A Benton County.
 Q And did you live in Tennessee from the time you was born
 until you came to Texas? A I lived there all my life with
 the exception of eight years.
 Q Eight years in Texas? A Yes sir.
 Q Until you came to Oklahoma? A I mean including the two years
 in Oklahoma.
 Q Six years in Texas? A Yes sir.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir.
 Q What is your father's name? A A.J. Farmer.
 Q Andrew? A Andrew Jackson
 Q What is your mother's name? A Tennessee Farmer.
 Q Through which parent do you claim Choctaw blood? A Why,
 through my father.
 Q How much Choctaw blood do you claim? A One-sixteenth I
 suppose
 Q Has your father ever been recognized in any way or enrolled
 as a member of the Choctaw tribe of Indians by the Choctaw
 tribal authorities or by the United States authorities in
 Indian Territory? A No t that I know of.
 Q Have you the proof of the marriage of your father and mother?
 A No sir.
 Q Do you know when they were married? A No I dont know exactly.
 Q Do you know where they were married? A Yes sir they were
 married in Tennessee - Benton County.
 Q By a minister under a license? A Yes by a minister named
 Gillam I think
 Q Are you married? A Yes sir.
 Q What is your wife's name? A Maud Farmer.
 Q M-a-u-d? A Yes sir.
 Q She's living? A Yes sir.
 Q Was she any Choctaw blood or is she a white woman? A No
 sir I suppose not.
 Q White woman? A Yes sir.

- Q Do you make any claim for her? A No sir.
- Q Have you any children under twenty one years of age and unmarried you want to make application for? A Yes sir one.
- Q What is the name of this child? A Lucille Farmer.
- Q L-u-c-i-l-l-e? A Yes sir.
- Q How old is Lucille? A Three years old.
- Q You claim for yourself and this child? A Yes sir.
- Q Is Maude Farmer the mother of Lucille? A Yes sir.
- Q Are you and your wife living together as husband and wife and is this child living with you both at your home? A Yes sir.
- Q When and where were you married to your wife Maude Farmer?
- A In McKenzie, Tennessee, Carroll County, 1893, September 26th.
- Q By a minister under a license? A Yes sir.
- Q Have you the proof of the marriage with you? A No sir I have not.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time made application for citizenship in the Choctaw Nation for yourself and child to either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article of that treaty? A Yes I suppose I do; I don't understand it thoroughly I don't suppose.
- Q You have had it read and explained to you? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; the object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river from that Nation to the Choctaw Nation Indian Territory; before the treaty was signed to become known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation that article called article fourteen was put into the treaty of 1830; it was made for the special benefit of those Choctaw Indians who stayed back in the old nation. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of

thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens for five years after the ratification of the treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion ofm it; persons who claim under this article shall, not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article sufficiently well to claim under it? A Yes sir I think I do.
- Q Did any of you r C octaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty
- A I dont know.
- Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Tidwell.
- Q What is the full name? A I dont know the full name.
- Q Did you ever hear the full name of this ancestor Tidwell ?
- A I dont think I know; if I have I have forgotten it.
- Q What relation was that ancestor to you? A Why she was-my understanding isthat she was my father's great grandmother.
- Q Your father's great grandmother? A Yes sir.
- Q She would be your great great grandmother? A Grandmother or something like that; I dont know whether it was great grand - mother or great great grandmother.
- Q Now then you just state as near as you can what relation she was to you - whether great great grandmother or great grandmother - your best knowledge and recollection? A Why she would be my great grandmother I suppose if she was my father's grandmother.
- Q How much Choctaw blood did she have? A She was half breed I understand.
- Q Was Tidwell her maiden name or her married name? A Her maiden name.
- Q Do you recollect what her Christian name was? A No sir I dont.
- Q Do you know whom she married? A I suppose it was a Davidson.
- Q What was his first name? A I dont know.
- Q Was he a white man? A Yes sir I suppose so.
- Q What makes you think he was a white man? A My only reason is hearsay.
- Q You have heard that from other members of the family? A Yes sir.
- Q You claim through your father Mr Andrew Jackson Farmer? do you not? A Yes sir.
- Q He has been before the Commission to be identified as a Mississippi Choctaw has he? A I think so - yes sir.
- Q Also your brother Vernon A. Farmer and others? A Yes si r.
- Q What relation is Thomas N. Farmer to you? A He's a brother of mine.
- Q Do you want to have your case consolidated with the case of Vernon A. Farmer and others? A Yes sir.

William Farmer 4

- Q Is your name William A. Farmer? A No, William Farmer.
- Q How old would your great grandmother Tidwell be if living now? A I dont know sir.
- Q Where was she born? A I suppose in Mississippi; that's what I heard.
- Q What knowledge have you that she was born in Mississippi?
- A I've heard it through my father.
- Q Your father told you so? A Yes sir my father and uncles.
- Q Have you any idea from what you have heard if anything in your family, when and where she was born in Mississippi?
- A No sir I dont know.
- Q Do you know when and where she died? A I'm not positive but I think in Tennessee.
- Q You think she removed from Mississippi to Tennessee? A My understanding is she went from Mississippi to Alabama, and from Alabama to Tennessee.
- Q Do you know whether she spoke the Choctaw language and had a Choctaw Indian name? A I do not.
- Q Did your father ever live in Mississippi? A Not that I know of.
- Q How old is your father now? A About fifty two I suppose or three something like that.
- Q Where was he born? A In Tennessee.
- Q He claimed through which parent - his father or mother.
- A I cant say.
- Q cant say through which parent he claimed his Choctaw blood?
- A I suppose it's through his mother.
- Q What makes you think it's through his mother? A Well because it seems that his mother was a Davidson.
- Q What was her full name before she married? A I cant say; I dont know; that's my impression; I may be mistaken.
- Q What was her husband's name? A Farmer- Ich abad.
- Q Ichabad Farmer was your grandfather's name? A Yes sir.
- Q He was a white man? A Yes sir? A He married Miss Davidson; you dont remember the first name? A No sir.
- Q Was she the daughter of your great grandmother Davidson whose maiden name was Tidwell? A I dont know.
- Q This line of genealogy back to your ancestor must be established positively or otherwise the case fails. Now I want to get from you if possible testimony tracing your Choctaw ancestry from yourself back to the ancestor through whom you claim your right to be identified as a Mississippi Choctaw whom you say was named Tidwell and married a Davidson and whom you say was your great grandmother.
- A My understanding is that my father's mother was the daughter of this woman.
- Q Which woman is that? A This Tidwell who married a Davidson.
- Q That she was your great grandmother? A That's the way I understand it.
- Q Do you know whether she lived in the state of Mississippi or Alabama in 1830? A Only what I have heard.
- Q Have you heard that? A Yes sir; it's been my understanding since I was small.
- Q Is that a matter of family history and tradition with you?
- A Yes sir; that's the way I have always been taught.
- Q Have you heard she had a family living with her then in the old Choctaw nation in 1830? A Yes sir.
- Q In other words she was the head of a family there then was she? A Yes sir.

William Farmer 8.

- Q Did she live in Mississippi or Alabama? A In Mississippi/
Q Did she comply or did any other ancestor of yours comply or attempt to comply with article fourteen of the treaty of 1830? A I dont know.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know.
Q Did any of your Choctaw ancestors come within six months after the ratification of the treaty of 1830 go to the United States Indian agent in the old Choctaw Nation and tell him they wanted to stay in Mississippi take land and become citizens of the states? A I dont know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or '40 A I dont know.
Q Did any of your Choctaw ancestors own any land or claim any land in that old Choctaw Nation east of the Mississippi river in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know.

The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel William Ward within six months from the ratification of the treaty and tell him that they want to stay in Mississippi take land and become citizens of the United States; a good many Indians did this whose names Colonel Ward neglected to ~~xxx~~ put on his list known as Wards register; his neglect to record the names of Choctaws who came before him under article fourteen of the treaty of 1830 was the cause of a great many Choctaw Indians who had land in the old Choctaw Nation either in Mississippi or Alabama to lose their land and the improvements upon the land which they had; both were taken from them by the government and sold at its public land sales; this caused a great deal of distress among the Choctaw Indians and a great many complaints were made so that in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty of 1830; this first commission was appointed under an act of Congress approved March 3 1837; after this commission had performed its duties and reported its lists to the Secretary of war another commission was appointed in 1842 under an act of Congress approved August 3 of that year; this commission also made a list of Choctaws who came before them under article fourteen of the treaty and reported these lists to the proper authorities at Washington.

Do you know whether any of your Choctaw ancestors appeared before either of these commissions and claimed any benefits under article fourteen of the treaty of 1830? A I dont know.

According to the provisions of the act of Congress approved August 23 1842 scrip was issued to Choctaw Indians who proved their claims under article fourteen and also proved that they had had land in Mississippi in the old Choctaw Nation which the government had taken from them and sold; this scrip was issued to take the place of land which had been taken from them and under it those Choctaws could select lands either in Mississippi or in the states of Alabama Louisiana

or Arkansas.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under this act of Congress? A I dont know.
Q Do you speak the Choctaw language? A I do not.
Q Is there anything further you want to say in support of your application? A No sir I suppose not.
Q Have you any witnesses you want to call before the Commission at this time? A No sir.

Examination by G. Heard, Attorney for applicant.

- Q Do you know whether your ancestor Tidwell ever talked the Choctaw language or not? A I dont know only hearsay. I have been told she was a half breed.
Q Do you know whether or not she lived in Mississippi? A I dont know.
Q Is it a matter of tradition in the family that she lived in Mississippi at that time? A Yes sir.
Q What time was that - what year was that - about what time? A Well I cant say.
Q Was it after the treaty or before the treaty of 1830? A I cant tell you.
Q All you know about it is the common tradition in the family? A That's all.

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This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; blue eyes; medium dark complexion, somewhat tanned by exposure to the sun; does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestor with any of the provisions of article fourteen of the treaty of 1830.

Miss Mitchell Wood, being first duly sworn upon her oath as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of August 1902 and the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 30 day of August 1902.

W. B. Jones
Notary Public.

COPY.

M C R 6155

Muskogee, Indian Territory, January 14, 1903.

William Farmer,

Arapaho, Oklahoma.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6156
Florence Hudson, et al.,	M C R 6156
Thomas N. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

W F-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas N. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.H. 6156

Muskogee, Indian Territory, March 23, 1903.

William Farmer,
Arapaho, Okla.

Dear Sir:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Tame Dixie.
Chairman.

~~DUPLICATE~~ No.

6155

For Identification as a Mississippi Choctaw.

Date

Name William Farmer.

Age 33 - Blood 1/16

Post-Office, Rapahoe, Okla.

Father: Andrew J. Farmer, l.

Mother: Tennessee " l.

Claims through father - -
wife, Maud Farmer, l. w.
No claim for wife.

Children:

Lucille Farmer, 3

Claims for self
and child.

Stenographer Clara Mitchell Wood

Choctaw MCR 6156

Florence Hudson

See MCR 6149

MCR 6156

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 20, 1902.

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In the matter of the application of Florence Hudson for the identification of herself and her minor child Perol Hudson as Mississippi Choctaws.

Applicant represented by S. Heard, Attorney at Law.

Florence Hudson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Florence Hudson.
Q What is your age? A Thirty one.
Q What is your post office address? A Arapaho, Oklahoma.
Q How long have you lived there? A I been living there about three years I think.
Q Where did you live before that? A I moved from Texas there.
Q How long did you live in Texas? A We lived in Texas about five years I guess; five or six.
Q At what place? A Gainesville, Texas, Cook County.
Q Where were you born? A Tennessee, Benton County.
Q From Tennessee you went where? A Texas.
Q You lived in Tennessee how long? A I lived in Tennessee from the time I was born until I moved to Texas.
Q That would be how long? A I guess about twenty years.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Andrew Jackson Farmer.
Q What is your mother's name? A Tennessee.
Q Through which parent do you claim Choctaw blood.
A Well through my father I suppose.
Q How much Choctaw blood do you claim? A One-sixteenth?
Q Your father has made application to be identified as a Mississippi Choctaw before the Commission has he? A Yes sir.
Q Can you tell when and where your father and mother were married? A They were married in Tennessee.
Q What place in Tennessee? A Benton County.
Q Do you remember the date? A No sir I do not.
Q Were they married by a minister under a license?
A Yes sir.
Q Have you the proof of that marriage with you? A No sir I haven't it with me.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United authorities in Indian Territory? A I suppose so.
Q Not enrolled has he; he has made application to be identified

- as a Mississippi Choctaw - that's what you mean? A Yes sir.
- Q Further than that he has not made any effort to become enrolled either by making application to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Hudson - Len Hudson.
- Q L-o-n? A Yes sir.
- Q He's living now? A Yes sir.
- Q Is he a Choctaw Indian or a white man? A No sir; he's a white man.
- Q Do you make any claim for him? A No sir.
- Q Have you any children you want to make application for? A No sir.
- Q Have you no children you want to make application for? A Yes sir one.
- Q What is the name of that child? A Ferol Hudson.
- Q How old is Ferol? A Nine years old.
- Q Is that a boy? A Girl.
- Q Is that all the children you have? A Yes sir.
- Q You claim for yourself and this child? A Yes sir.
- Q Is Len Hudson the father of this child? A Yes sir.
- Q Are you and your husband living together as husband and wife and is this child living with you at your home? A Yes sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1898? A No sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for citizenship in the Choctaw Nation for yourself and child either to the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission to be identified as a Mississippi Choctaw with your child? A Yes sir.
- Q Do you claim this right under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Why I think so.

The treaty of 1830 was made between the United States government and the Choctaw Indians and at the time the treaty was made the Choctaws were living in the old Choctaw Nation east of the Mississippi river at a place called Dancing Rabbit Creek in the state of Mississippi; it was made on the 27th day of September 1830; at the time when it was made the object of the government was to remove all the Choctaws under the treaty from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory but before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation under the treaty with the other Indians and in order to protect the interests of those Indians who preferred to

stay back there in the old Choctaw Nation this article called article fourteen was put into the treaty of 1830; article fourteen is that portion of the treaty of 1830 under which applicants for identification as Mississippi Choctaws can claim. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you thoroughly understand that article or would you like to have it further explained? A I think I understand it.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of that treaty of 1830 as I have read and explained it to you? A Well I dont know.
- Q What is the name of the ancestor through whom you claim a right to be identified as a Mississippi Choctaw? A Tidwell.
- Q What is the Christian name? A I dont know.
- Q What relation was that Tidwell to you? A She was my great grandmother I suppose.
- Q Do you know whom she married? A She married Davidson I think.
- Q What was his Christian name? A I dont know.
- Q How much Choctaw blood did she have? A She had one half.
- Q Did she speak the Choctaw Indian language or have a Choctaw Indian name? A I dont know.
- Q How old would she be if living now? A I dont know sir.
- Q Do you know where she was born? A In Mississippi I suppose.
- Q De you know? A No I dont know.
- Q What makes you think she was born in Mississippi? A Well that was where she lived in Mississippi and went from there to Alabama and from there to Tennessee; I suppose, she was born in Mississippi; I dont know.
- Q De you know how old she was when she died? A I dont.
- Q De you know where she died? A No sir.
- Q You have no idea how old she would be if living now?
- A No sir.
- Q Did you ever hear that she lived either in Alabama or Mississippi in what is known as the old Choctaw Nation in the year 1830? A No sir.
- Q Did you ever hear that she was the head of a family either in Mississippi or Alabama in what is known as the old Choctaw Nation in 1830? A Yes I suppose so.

- Q How did you get that information - from members of the family or how? A From members of the family.
- Q Then you have heard from members of the family that your great grandmother Davidson nee Tidwell lived in the state of Mississippi in what is known as the old Choctaw Nation in 1830 and was the head of a family there?
- A Yes sir.
- Q Do you know how many children she had living with her at that time? A I do not.
- Q Who told you in the family that she lived there at that time and had a family there? A I heard it through my father.
- Q You claim through your father Andrew Jackson Farmer? A Yes sir.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q You also have a brother Vernon A. Farmer? A Yes sir.
- Q And other relatives of yours have made application? A Yes sir; my brother just a few minutes ago; Will Farmer.
- Q William Farmer? A Yes sir.
- Q And Thomas N. Farmer? A Yes sir.
- Q What relation is Thomas N. Farmer A Brother.
- Q Do you want to have your case consolidated with Vernon A. Farmer and others? A Yes sir.

The case of Vernon A. Farmer et al. M.C.-R.5824 is referred to for the purpose of consolidation.

- Q Did your great grandmother Davidson nee Tidwell within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become a citizen of the United States? A I can't tell you.
- Q Did any of your Choctaw ancestors do that? A I can't tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830 or '31? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land or benefits as Choctaw Indians in Mississippi or Alabama in what is known as the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek those Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 or the treaty of Dancing Rabbit Creek was concluded and ratified in the year 1831, were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent whose name was Colonel Ward within six months from the ratification of the treaty - that is within six months from the 24th day of February 1832 and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States; if they did this they were then permitted to make selections of land in Mississippi in what is known as the old Choctaw Nation and later on when the United States loca-

ting agent Colonel George W. Martin made locations on land to these Indians who had made these declarations before Colonel Ward under article fourteen this land was set out to them; if they lived upon that land for five years after having made this declaration to Colonel Ward that they intended to become citizens of the United States at the end of that period they would receive a deed or patent for the land from the United States government; a great many Choctaw Indians went to Colonel William Ward the United States Indian Agent at his agency in the state of Mississippi and made these declarations under article fourteen within the six months time limited by article fourteen but Colonel Ward, through some neglect on his part failed to record the names of a great many Choctaw Indians who thus made declarations before him so that a great many of those names of Choctaw Indians failed to appear upon what was known as Ward's register; because of Colonel Ward's neglect or failure to make a proper record of those applications under article fourteen a great many Choctaw Indians who selected land in Mississippi upon which they intended to live for a period of five years, had their land taken from them by the government and sold at the public land sales of the United States government; they lost also their improvements in the same way; this caused so many complaints among the Choctaw Indians that in 1837 by an Act of Congress approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit creek; in 1842 Congress appointed another Commission under an act of Congress approved August 23 of that year and this Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit creek.

Q Do you know if any of your Choctaw ancestors - your great grandmother Davidson, nee Tidwell or any other ancestor of yours who had Choctaw blood went before either of these two Commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A I do not.

The act of Congress approved August 23 1842 provided that if any Choctaw proved his claim under article fourteen of the treaty of Dancing Rabbit creek, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he might select land in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir not that I know of.

Q Have you any evidence that you want to introduce now in support of this claim? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

F Hudson 6.

Q Is there anything further you want to say in support of this application? A No sir I suppose not.

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This applicant has the appearance and physical characteristics of being descended from white parentage; her hair is very nearly black; brown eyes - very dark; medium dark complexion; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 5 day of August 1902.

B. C. Jones
Notary Public.

Muskogee, Indian Territory, January 14, 1903.

Florence Hudson,

Arapaho, Oklahoma.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi

Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
Florence Hudson, et al.,	M C R 6156
Thomas N. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 6624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

F H-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Ferol Hudson, Thomas M. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6156

Muskogee, Indian Territory, March 23, 1903.

Florence Hudson,
Arapaho, Okla.

Dear Madam:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Lewis Bixby
Chairman.

~~DUPLICATE~~

No.

6156

For Identification as a Mississippi Choctaw.

Date

Name Florence Hudson.

Age 31 — Blood 1/16

Post-Office, Amapah, Okla.

Father: Andrew J. Farmer, l.

Mother: Tennessee " l.

Claims through father —
husband.
Lon Hudson, l. w.
No claim for husband.

Children:

Ferol Hudson, F. 9.

Claims for self
and 1 child

Stenographer Clara Mitchell Wood.

Choctaw MCR 6157

Myrtle Hunt

See MCR 6149

MCR 6157

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 20, 1902.

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In the matter of the application of Myrtle Hunt for identification as a Mississippi Choctaw.

Applicant represented by S. Heard, Attorney at Law.

Myrtle Hunt being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Myrtle Hunt.
 Q What is your age? A Why nineteen in May - the 16th.
 Q Last May? A Yes sir.
 Q What is your post office address? A Arapaho Oklahoma.
 Q How long have you lived at Arapaho? A About two years.
 Q Where were you born? A Tennessee.
 Q What place in Tennessee? A Benton County.
 Q From Tennessee you went where? A Texas
 Q At what age? A Why, about -- I was sixteen I suppose.
 Q And you lived where in Texas? A Gainesville Texas. Cook County.
 Q How long did you live there? A About a couple of years.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir.
 Q What is your father's name? A Andrew Jackson Farmer.
 Q What is your mother's name? A Tennessee Farmer
 Q Through which parent do you claim Choctaw blood? A Through my father.
 Q How much Choctaw blood do you claim? A One sixteenth/
 Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir not that I know of.
 Q Have you the proof of the marriage of your father and mother with you? A No sir.
 Q Do you know when and where they were married? A They was married in Tennessee, Benton County.
 Q Do you remember the date? A No I dont know.
 Q Were they married by a minister under a license? A Yes sir.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A William Hunt.
 Q Is he living? A Yes sir.
 Q Is he an Indian or a white man? A He's a white man.
 Q Do you make any claim for him? A No sir.
 Q Have you any children you want to make application for? A No sir.
 Q Do you claim for yourself alone? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.

M. Hunt 2.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for citizenship in the Choctaw Nation to either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming that right under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article thoroughly? A Well yes I think I do.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians in Mississippi; at a place called Dancing Rabbit Creek, on the 27th day of September of that year 1830; it was made for the special purpose of removing all of the Choctaw Indians from that old nation east of the Mississippi river to the Choctaw Nation Indian Territory; it was well known that while living in that old Choctaw nation which was partly in the state of Mississippi and partly in the state of Alabama that the rights of the Indians could not be protected by the government because the states claimed that they had a superior right over the United States government to control the soil under their own jurisdiction or in other words they raised as far as these Indians rights were concerned, a question of the state rights against the rights of the government to protect the Indians in any way in which the government saw best; the government practically yielded this point to the states of Mississippi and Alabama and as they felt they were powerless to protect the interests of the red men - members of the Choctaw tribe, they sought to remove that tribe from that old nation to a reservation west of the Mississippi river in Indian Territory - a territory wholly under the jurisdiction of the United States government; for this purpose the treaty of 1830 was made but before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of the Choctaw Indians who preferred to stay back in the old nation article fourteen was put into the treaty of 1830; this article is the article under which you are making this claim today. That was drafted into the treaty of 1830 for the special benefit protection and advantage of the Mississippi Choctaw Indian and his descendants; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending

to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A No sir not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Tidwell.
- Q What relation is this Tidwell to you? A Great grandmother I suppose.
- Q What was her Christian name? A I dont know.
- Q Is Tidwell her maiden name or married name? A Maiden name.
- Q What is the name of her husband? A Davidson I think.
- Q What is his Christian name? A I dont know.
- Q Was he a white man? A Yes sir.
- Q How much Choctaw blood did his wife have? A One eighth.
- Q Well you are one sixteenth and that's just half of one eighth.
- Q Are you sure about that being one eighth? A Yes sir.
- Q Your other relatives who have appeared here today have made a statement that she had one half Choctaw blood; you say one eighth. A One half I guess.
- Q When you said one eighth were you not thinking of your father? A Yes sir.
- Q I asked about your great grandmother Tidwell or Davidson; how much Choctaw blood did she have? A I dont know.
- Q Did she have a Choctaw Indian name? A No sir; I dont know as she did.
- Q Did she speak the Choctaw language? A I dont know.
- Q How old would she be if living now? A I don t know sir.
- Q Wyen and where was she born? A She was born in Mississippi.
- Q Do you remember where in Mississippi she was born
- A No sir.
- Q Do you know what date she was born? A No sir.
- Q How do you know she was born in Mississippi? A Through my father.
- Q Your father said so? A Yes sir.
- Q Your father's name is what? A Andrew Jackson Farmer.
- Q Has he made application to be identified as a Mississippi Choctaw before the Commission? A Yes sir.
- Q Have you a brother Vernon A. Farmer who has been before the Commission to be identified as a Mississippi Choctaw?
- A Yes sir.
- Q And other relatives also? A Yes sir.
- Q Would you like to have this case of yours consolidated with the cases of your brother Vernon A. Farmer and others?
- A Yes sir.

The case of Vernon A. Farmer et al. K.C.R. 5624 is her case referred to for the purpose of consolidation.

- Q Did your father ever live in the state of Mississippi? A No sir not as I know of.
- Q Where was he born? A In Tennessee.
- Q How old is he now? A He's about fifty two I think or three somewhere along there
- Q What was his father's name? A Ichabed Farmer.

- Q What was his mother's name? A I dont know.
- Q What was her maiden name - do you remember? A No sir I dont.
- Q Whose daughter was she? A I dont know sir.
- Q Now you claim from your great grandmother whos married name was Davidson? A Yes sir.
- Q Your grandmother's married name was Farmer wasn't it? A Yes sir.
- Q Then she must have married Ichabod Farmer didn't she? A Yes sir.
- Q Cant you tell what her maiden name was and who she was the daughter of? A No sir.
- Q Did you ever hear that she was the daughter of your great grandmother Tidwell who married Davidson? A Yes sir I think she was.
- Q What makes you think she was? A Well that's what I have heard through the family.
- Q Now did Ichabod Farmer and his wife live in the state of Mississippi? A No sir I dont think they did.
- Q Where did they live during their life time? A Tennessee.
- Q Did your great grandmother Davidson always live in Mississippi? A I dont know.
- Q Do you know whether she lived there in the year 1830 in what is known as the old Choctaw Nation? A No sir I dont.
- Q Can you give the name of any ancestor of yours who lived in Mississippi in 1830 and was the head of a family there then? A Tidwell.
- Q Did this grandmother Tidwell live in Mississippi in 1830 and was she the head of a family there then? A Yes sir.
- Q Just a moment ago you said you couldn't tell whether she ever lived in Mississippi - you think she did now? Just give it just as you recollect it having heard it in the family or from any other source; what the Commission wants to establish is this; that you are descended from a Mississippi Choctaw ancestor who at one time lived in the old Choctaw Nation east of the Mississippi river either in Mississippi or Alabama and wants you further to establish if possible that this ancestor who had the Choctaw blood and whom you claim to be descended from lived in the old Choctaw Nation in 1830 and was the head of a family there and that time and further than living there and being the head of a family there at that time that this ancestor complied with or attempted to comply with the provisions of article fourteen of the treaty of 1830; that is the object of the Commission.
- Q Now I asked - Do you know whether your great grandmother Davidson, nee Tidwell lived in the old Choctaw nation in Mississippi or Alabama in 1830 and at the time of the ratification of the treaty of 1830 had at that time a family living with her? A Yes sir I think so.
- Q What makes you think so - just give me the source of your information.
- A Well that's what my father said.
- Q You get it from your father do you - Andrew Jackson Farmer?
- A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know.

- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent Colonel Ward at his office or agency in Mississippi and signify to him their intention of remaining in the state of Mississippi taking land and becoming citizens of the states? A I dont know sir.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between 1833 and 1838 or '40? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land or benefits of any kind in the old Choctaw Nation east of the Mississippi river or Alabama under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830; on this account in many instances the land upon which Indians had improvements and which they desired reserved for them under article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land; this action of the government caused a good many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act approved March 3, 1837 providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws claimed that they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but had not received land thereunder. On August 23, 1842 another Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or 1842 and claim any benefits as Choctaw Indians under that article of that treaty? A No sir not as I know of.

The act of Congress approved August 23 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under the act of Congress? A Not that I know of.

- Q Do you understand or speak the Choctaw language? A No sir.
Q Is there anything further you want to say in support of this application? A No sir I guess not.
Q Have you any witnesses you want to present now in support of this case? A No sir.

By S. Heard, Attorney for applicant:

- Q You spoke a while ago about the Choctaw blood of Tidwell your great grandmother; do you state what you know about that blood is from family tradition or from your father?
A Yes sir.
Q That's all you know about it? A Yes sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair and brown eyes, florid complexion; does not understand or speak the Choctaw language; has no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830..

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 20 day of August 1902.

B. C. Jones
Notary Public.

COPY

M C R 6157

Muskogee, Indian Territory, January 14, 1903.

Myrtle Hunt,

Arapaho, Oklahoma.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
Florence Hudson, et al.,	M C R 6156
Thomas H. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

F H-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Ferol Hudson, Thomas N. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

T. B. Needles.
Commissioner in Charge.

Registered.

M.C.R. 6157

copy.

Muskogee, Indian Territory, March 23, 1903.

Myrtle Hunt,

Arapaho, Okla.

Dear Madam:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

(SIGNED)

Louis Dinkley
Chairman.

~~DUPLICATE~~ No. 6157

For Identification as a Mississippi Choctaw.

Date

Name Myrtle Hunt. —

Age 19 - Blood 1/16

Post-Office, Arapaho, Okla. -

Father: Andrew J. Farmer, l

Mother: Tennessee " l

Claims through Father -

Husband William Hunt, l. w.

No claim for husband

~~Children:~~

Claims for self
alone -

Stenographer Lela Mitchell Wood.

Choctaw MCR 6158

Eunice Guymon

See MCR 6149

MCR 6158

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 20, 1902.

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In the matter of the application of Eunice Guymon for the identification of herself and her minor child Norma Guymon as Mississippi Choctaws.

Applicant represented by S. Heard attorney at law.
Eunice Guymon being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Eunice Guymon.
Q What is your age? A Twenty one.
Q What is your post office address? A Arapaho, Oklahoma.
Q How long have you lived there? A Four years.
Q Where were you born? A Tennessee.
Q Where in Tennessee? A Benton County.
Q From Tennessee you moved where? A To Texas.
Q How old were you when you went to Texas? A About eighteen years.
Q How long did you stay in Texas? About one year I guess.
Q Then from there you went to Oklahoma? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Andrew Jackson Farmer.
Q What is your mother's name? A Tennessee. Farmer.
Q Through which parent do you claim Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you now? A No sir.
Q Can you tell when and where they were married? A Married in Tennessee; Benton County.
Q What date? A I don't know.
Q By a minister under a license? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jim Guymon.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for under twenty one years of age and unmarried? A One.
Q What is the name of that child? A Norma.
Q How old is she? A Two years old.
Q Do you make application for yourself and this child.
A Yes sir.
Q Is Jim Guymon the father of this child? A Yes sir.
Q And you and he and the child are living together at your home? A Yes sir.

- Q Is your name or the name of this child on any of the tribal roll of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and child to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your child to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made for citizenship in the Choctaw Nation for yourself and child either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes sir.
- Q Do you now come before the Commission to be identified with your child as Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you think you understand that article? A No sir.
- Q

Article fourteen of the treaty of 1830 was put into that treaty for the special benefit of those Choctaw Indians who announced their intention to remain in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was discussed by the representatives of the government and the representatives of the Choctaw Nation it was the desire and the intent on of the government to remove all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory because the government could not protect the interest of the Choctaw tribe of Indians in the old Choctaw Nation as well as they could in the Choctaw Nation Indian Territory because the states of Mississippi and Alabama allowed the citizens of those states to encroach upon the rights of the Choctaw Indians; it was well known also that the Choctaw could not be removed against their will and for this reason the government sought to make a treaty with them in which treaty they agreed to go to the Choctaw Nation Indian Territory; this treaty was known as the treaty of Dancing Rabbit Creek and was entered into on the 27th day of September 1830 and ratified on the 24th day of February 1831; but before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and to protect their rights article fourteen the article under which you are now making this claim was put into the treaty; it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intend

ing to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity!

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Tidwell.
- Q What relation was Tidwell to you? A Great grandmother.
- Q What was her Christian name? A I dont know.
- Q Whom did she marry? A Davidson I suppose.
- Q Was he a white man? A Yes sir.
- Q How much Choctaw blood did your great grandmother Tidwell have or Davidson? A One half.
- Q When and where was she born? A I dont know.
- Q When and where did she die? A I dont know.
- Q Did she ever live in Mississippi? A I dont know.
- Q Did you ever hear that she or any other ancestor lived in Mississippi in the old Choctaw Nation and was the head of a family at that time? A Yes sir.
- Q Who lived in Mississippi in 1830 in the Choctaw Nation and had a family there at that time? A My great grandmother I suppose.
- Q What makes you think your great grandmother Davidson did.
- A Well just from the other members of the family - my father.
- Q Your father you say? A Yes sir.
- Q Did you get your information wholly from him? A Yes sir.
- Q His name was what? A Andrew Jackson Farmer.
- Q Did he make application to be identified as a Mississippi Choctaw before the Commission? A Yes sir.
- Q And did your brother Vernon A. Farmer? A Yes sir.
- Q And other relatives also? A Yes sir.
- Q Would you like to have your case and the cases of those relatives all consolidated under the head of the case of Vernon A. Farmer et al? A Yes sir.

Consolidated case of Vernon A. Farmer et al. H.C.R. 5624 is here referred to for the purpose of consolidation.

- Q Is all you know in reference to your great grandmother Davidson nee Tidwell and about her having Choctaw blood and her having lived in the state of Mississippi dependant upon what your father has told you? A Yes sir.
- Q Is that the source of your information? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I dont know.

- Q Did any of your Choctaw ancestors own any land or claim any in that old Choctaw nation east of the Mississippi river under article fourteen of the treaty of 1830? A I dont know.

The Choctaw Indians who stayed back in the old Choctaw Nation east of the Mississippi river when the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the state. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his register known as Ward's register; his neglect caused a good many Indians to lose their land which they had and the improvements which they had upon it; both were taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act of Congress approved March 3 of that year a commission was appointed by Congress which went to Mississippi and heard claimants under that article of the treaty; in 1842 by an act of Congress approved August 23, of that year another Commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit creek.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under that article of the treaty? A No sir.
Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select their land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842 and was issued to those Indians who proved their rights under article fourteen and also proved that they had land in Mississippi in the old Choctaw nation which the government had taken from them and sold.

- Q Do you speak the Choctaw language? A No sir.
Q Have you any witnesses whose testimony you want to introduce today? A No sir I guess not.
Q Is there anything further you want to say in support of this application? A No sir.

Examination by S. Heard Attorney at Law.

- Q What is the source of your information as to the amount of blood your ancestor had - from whom did you get that information? A Father.
Q That's the only thing you have to go by - you know nothing yourself? A No sir.

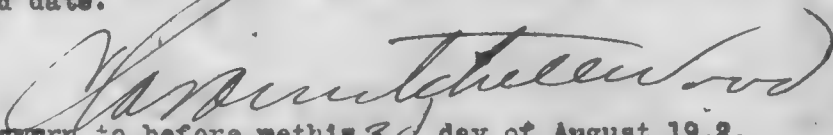
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This applicant has the appearance and physical characteristics of being descended from white parentage; has dark

brown hair; brown eyes; medium dark complexion; does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Twenty days time is allowed from the date hereof for this applicant to present other testimony in support of the application made.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 30 day of August 1902.

B. C. Jones
Notary Public.

COPY. M C R 6158

Muskogee, Indian Territory, January 14, 1903.

Eunice Guymon,

Arapaho, Oklahoma.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Farmer, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Farmer, et al.,	M C R 6149
William Farmer, et al.,	M C R 6155
Florence Hudson, et al.,	M C R 6156
Thomas W. Farmer,	M C R 6151
Vernon A. Farmer, et al.,	M C R 5624
Eunice Guymon, et al.,	M C R 6158
Myrtle Hunt,	M C R 6157

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

E C-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew J. Farmer, Carrie Farmer, Bessie Farmer, William Farmer, Lucille Farmer, Florence Hudson, Perol Hudson, Thomas N. Farmer, Vernon A. Farmer, Mary Farmer, Eunice Guymon, Norma Guymon and Myrtle Hunt as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.B. 6158

COPY.

Muskogee, Indian Territory, March 23, 1903.

Eunice Guymon,
Arapaho, Okla.

Dear Madam:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Farmer, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Tams Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name Eunice Guymon

Age 21 - Blood 1/16

Post-Office, Arapaho, Okla.

Father: Andrew J. Farnon. I

Mother: Tennessee " I

Claims through father - -
 husband Jim Guymon, l.w.
 No claim for husband.

Children:

Norma Guymon, & 2

Claims for step &
 child,

Stenographer Clara Mitchell Wood

Choctaw MCR 6159

Henry T. Allen

See MCR 5200

MCR 6159

False.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 20, 1902.

In the matter of the application of Henry T. Allen for
the identification of himself and his two minor children, Lucy and
Arri Allen, as Mississippi Choctaws.

Francis A. Pierce, Attorney for Applicants. No ap-
pearance.

Henry T. Allen being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Henry T. Allen.
- Q What is your age? A Born in 1876, that would make me 26.
- Q What is your post office address? A Orr, in the Chickasaw Nation, Indian Territory.
- Q Where were you born? A Limestone County, Texas.
- Q When were you born in Texas? A 25 years ago.
- Q How long did you live in Texas? A I lived there until I was 20 years old.
- Q Then you went where? A Came to the Territory.
- Q Have you been in the Territory ever since? A Yes sir.
- Q Is your father living? A Yes sir.
- Q Your father has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q What is his name? A William J. Allen.
- Q Is your mother living? A Yes sir.
- Q What is your mother's name? A Martha Ann Allen.
- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much Choctaw blood do you claim? A I can't tell you.
- Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Can you tell when your father was married to your mother? A No sir, I don't know as I can.
- Q Have you the proof of their marriage with you now? A No sir.
- Q Were they married by a minister under a license? A Yes sir, I believe he was a minister as well as I ever heard anything about it.

Henry T Allen-----2

- Q Are you married? A Yes sir.
- Q What is your wife's name? A Dru Allen.
- Q Is she living? A Yes sir.
- Q Is that D-r-u? A No sir, D-r-u.
- Q Has she any Choctaw blood or is she a white woman? A A white woman.
- Q Do you make any claim for her as a Choctaw? A No sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have two.
- Q What is the name of the eldest? A Lucy.
- Q How old is Lucy? A 4 years old.
- Q What's the name of the next? A Arri.
- Q Boy or girl? A Boy.
- Q How old is Arri? A 2 years old.
- Q You claim for these two children and yourself do you? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Is Dru Allen the mother of these two children? A Yes sir.
- Q Are you and your wife living together as husband and wife at your home? A Yes sir.
- Q And these children live with you? A Yes sir.
- Q Have you the proof of your marriage to your wife with you? A Yes sir, my father was there at the time.
- Q Your father and mother were present at the time? A My mother was not.
- Q When were you married to your wife? A Seven years ago the 28th of this past May.
- Q Where were you married? A Denton County Court house in Texas.
- Q By a minister under a license? A By the County Clerk.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to any authority before this present application? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830, or do you not? A I don't know as I know.
- Q Do you understand anything about that article fourteen? A I don't know as I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 8th day of September of the year 1830. The object of the treaty was to get the consent of all of the Choctaw Indians to go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Indians who stayed back there in that old

Nation article fourteen was put into the treaty of 1830. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Now do you understand that well enough to claim under it? A Yes sir, I guess so, I understand it I reckon, if I understand it a portion was given leave to stay there or come here either one.
- Q Yes, and if they stayed there in the old Choctaw Nation they had to do certain things; they had to go to the Agent and tell him that they wanted to stay there and take land there and that they intended to become citizens of the United States, this they had to do within six months time after the treaty was ratified, if they did that or tried to do so they might afterwards come to the Choctaw Nation, Indian Territory, and have rights of citizens there, you understand that? A Yes sir.
- Q Now, did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Not that I know anything about.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? I mean by ancestor what is the name of your father's father, or father's mother, or your father's grandfather or grandmother, or any of his relatives in a direct line back in descent? A You want to know what is the name of my father's father, my grandfather?
- Q Yes, you ancestor who had Choctaw blood? A Allen, Jonathan Cochran Allen.
- Q He was your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A I can't tell you.
- Q How do you know he had any? A I have been taught that all my life.
- Q Who taught you? A My father and other people that was no relation of mine.
- Q Your father, William J. Allen? A Yes sir.
- Q But you never heard how much Choctaw blood Jonathan C. Allen had? A No sir.
- Q How old would he be if living now? A Why I don't know his age.
- Q When was he born? A I can't tell you.
- Q Where was he born? A I don't know.

Henry T Allen—4

- Q When and where did he die? A I can't tell you that, I don't know where he died, I never seen him myself.
- Q Did he live in Mississippi? A That's what I have been taught.
- Q Do you know where in Mississippi? A No sir.
- Q Do you know how long he lived there? A No sir.
- Q Do you know whether he lived there in 1830, and if so whether he was the head of a family there at that time? A I can't tell you a thing about it.
- Q Did he ever live in Alabama? A I don't know.
- Q Did he speak the Choctaw language? A I have heard people say he could speak most any language, that is of the Indian language.
- Q How many, Choctaw, Chickasaw, Creek or Seminole? A I don't know what language he could speak, but I have heard my grandfather on my mother's side speak of him talking Indian, and he could talk too some.
- Q What Indian language could he talk? A Who is that?
- Q Your grandfather, or did he talk several different languages? A I don't know what language he talked, but always heard he could talk Indian language, at that time I didn't know there was so many different tribes of Indians, I just supposed Indians was Indians, and did not know there was different tribes.
- Q Did Jonathan G. Allen have a Choctaw Indian name? A I don't know an Indian name from any other name.
- Q Did you ever hear that he had any other name except Jonathan G. Allen? A Nothing more than pa was talking to you a while ago.
- Q What did you ever hear your pa say about it? A I heard pa say he was called Choctaw Louis, was the name he was talking about.
- Q You heard your father say that sometimes Jonathan G. Allen was called Choctaw Louis? A Yes sir.
- Q Do you know where Jonathan G. Allen lived at any time during his life? A No sir.
- Q Did you ever hear your father say where Jonathan G. Allen lived at any time? A No sir.
- Q Can you tell whether Jonathan G. Allen got his Choctaw blood through his father or mother? A I don't know.
- Q Can you give the name of any Choctaw ancestor of Jonathan G. Allen? A No sir.
- Q Did you ever hear that Jonathan G. Allen lived in the state of Mississippi or the state of Alabama in what was known as the old Choctaw Nation in 1830 and was the head of a family there then? A Well, I think he come from that country, I don't know when or anything about it, in fact I have never been taught nothing about him in no way, I never seen him; he was supposed to be dead at the time I was born.
- Q Do you know the name of the wife of Jonathan G. Allen? A No sir, I don't.
- Q Did you ever hear the name of Martha Jane Gentry? A Yes sir.
- Q Who was that? A That was her, my grandma.
- Q Was Martha Jane Gentry your grandmother's maiden name? A Yes sir.
- Q Do you know when she married Jonathan G. Allen? A No sir.
- Q How many relatives of yours have been before the Commission to be identified as Mississippi Choctaws? A Father and two brothers ahead of me.
- Q William J. Allen is your father? A Yes sir.
- Q Who is John W. Allen? A Brother.

Henry T Allen—3

- Q Who is Andrew S. Allen? A Brother.
Q Do you want to have your case consolidated with your other relatives claiming through the same common ancestor under the case of William J. Allen, et al. M. C. R. 5200? A Yes sir.

The case of William J. Allen, et al., M. C. R. 5200, is here referred to for the purpose of consolidation.

- Q You are not able to give the names of any Choctaw ancestors of yours further back than your ancestor, Jonathan G. Allen, your grandfather? A No sir.
Q Did he within six months after the treaty of 1830 go to Colonel Ward, United States Indian Agent, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know, as far as knowing, but it is said he left that country and come here.
Q When did he leave that country and come here? A I don't know.
Q Did he come with the other Indians between 1833 and 1838 or 1840? A I don't know.
Q Did he come here at the expense of the government of the United States? A I don't know, but I don't think he did, I think he come through himself.
Q Did he or any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1832? A I don't know.
Q Did he or any of your Choctaw ancestors own any land or claim any land or any benefits of any kind under article fourteen of the treaty of 1830? A No sir, I don't think that they did.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward, the Agent, failed to put on his list, known as Ward's Register. His failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their lands and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir, I don't know.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also

Henry T Allen

Further appeared that he had had land in Mississippi which the government had taken from him and sold that he might be entitled to select land some place else, either in Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that certificates should be given to him to that effect; these certificates were called scrip.

- Q Did any of Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know anything about.
- Q Have you any other evidence that you want to introduce at this time? A No sir.
- Q Do you want any time in which to introduce other testimony in this case? A Nothing more than my attorney will do I suppose.
- Q What is the name of your attorney? A Pierce.
- Q Do you want to have him recognized in this case? A Yes sir.
- Q What is his name? A Francis A. Pierce.

Because your attorney is not present, although you have an attorney, you will be allowed thirty days from this date in which to introduce evidence of the marriage of your father and mother, also evidence of your marriage to your wife, Mrs. Allen; and during this time you will be allowed to introduce any other proper evidence you may desire in support of this application if presented under the rules of the Commission.

- Q Do you speak the Choctaw language? A No sir, can't speak none of it.
- Q Is there anything more you want to say now in support of this application? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair, black eyes, brown mustache, medium fair complexion now tanned by exposure to the sun. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 20th day of August, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of August, 1902.

W. H. Martin
B. C. Jones
Notary Public.

COPY.

M.C.R. 6159.

Muskogee, Indian Territory, January 31, 1903.

Henry T. Allen,

Orr, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie Allen, Luitia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D.

H. T. A. # 2.

Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen, and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc D. D.

Acting Chairman.

Registered.

M. O. R. 6159.

COPY:

Maskogee, Indian Territory, July 22, 1903.

Henry T. Allen,

Orr, Indian Territory.

Dear Sir:-

You are hereby notified that on the 15th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

T. B. Needles

Commissioner in Charge.

~~DUPLICATE~~ No. 6159

For Identification as a Mississippi Choctaw.

Date

Name Henry T. Allen.

Age 25. Blood Don't know.

Post-Office, Orr. I. T. -

Father: William J. Allen, l.

Mother: Martha Ann " l.

Claims through father - - -
wife - ~~l. w.~~

Lora Allen, l. w.
No claim for wife -

Children:

Lucy Allen, 4
Arri " M. 2

Claims for self &
2 minors

Stenographer W. H. Martin.

Choctaw MCR 6160

Robert L. Allen

See MCR 5200

MCR 6160

#3100.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 20, 1902.

In the matter of the application of Robert L. Allen for
the identification of himself as a Mississippi Choctaw.

Francis A. Pierce, attorney for applicant; no appearance.

Robert L. Allen being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert L. Allen.
Q What is your age? A Twenty-two.
Q What is your post office address? A Orr, Indian Territory.
Q How long have you lived at Orr? A Lived there two year.
Q Where were you born? A In Texas, Fort Worth.
Q How long did you live in Texas? A Lived there 18 years.
Q And then you went where? A To the Territory.
Q You have lived in the Territory for the last four years? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William J. Allen.
Q He has made application before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q What is your mother's name? A Martha Ann Allen.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you? A None only them.
Q Are you married? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Do you know when your father and mother were married? A No sir.
Q Do you know where they were married? A I don't believe I remember, I have been told but I don't remember.
Q Do you remember what you have been told? A No sir, only in Texas is all.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw

Robert L. Allen—2

- Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application before this time for citizenship or enrollment as a member of the Choctaw tribe of Indians either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you come before the Commission now to be identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A I suppose so.
- Q Do you understand that article? A I don't know whether I do or not.

The treaty of 1830 was a treaty that was made between the United States government and the Choctaw Indians who lived at the time of the treaty in the old Choctaw Nation east of the Mississippi river, partly in the state of Mississippi, and partly in the state of Alabama. The object of that treaty was to remove all of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. The treaty was the way the government sought to get the consent of the Indians who voluntarily removed, because it was recognized that they could not be removed from one section of country to another without their consent. They did consent to go by making this treaty with the government called the treaty of Dancing Rabbit Creek or the treaty of 1830. But before the treaty was signed it became known that a good many Choctaw Indians would not go under the treaty to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who preferred to stay where they were article fourteen was drafted and put into the treaty of 1830, that is the article under which you are making this claim today, and it reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that don't you, - or the purpose of it at least?

Robert L. Allen—5

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather, Jonathan C. Allen.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q What relation is Jonathan C. Allen to you? A Grandfather.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he have any? A I suppose he did.
- Q What makes you think so? A I have been taught by my father that he did.
- Q Your father, William J. Allen? A Yes sir.
- Q Do you want to have your case consolidated with the case of your father, William J. Allen, and others of your relatives who have made application here claiming through the same common ancestor? A Yes sir.

The consolidated case of William J. Allen, et al., M. C. N. 5200, is here referred to for the purpose of consolidation.

- Q Tell the Commission all about what you know about Jonathan C. Allen being a Mississippi Choctaw having lived in the state of Mississippi or anywhere else? A I don't know nothing at all about him.
- Q Did you ever hear your father speak about him? A Yes sir, some.
- Q What did he ever tell you about him being a Choctaw Indian? A I just heard him say he was Indian.
- Q How much Indian? A He never did say that I remember.
- Q When was the first time that he ever told you that his father was an Indian? A I don't recollect.
- Q About when? A I say I don't recollect.
- Q When you were a little fellow? A I suppose so.
- Q How many times did he ever tell you that he was an Indian, did he ever say he lived in the state of Mississippi? A I believe I have heard him say he has.
- Q Are you sure? A Yes sir.
- Q Where in Mississippi did he say his father lived? A I don't know.
- Q Where was Jonathan C. Allen born? A I don't know.
- Q Where did he die? A I don't know.
- Q Where did he live during his lifetime? A I don't know.
- Q Do you know anything about where he lived in any state? A No sir.
- Q You say you heard he lived in Mississippi? A Yes sir, I did not understand you.
- Q What do you know about his living him in Mississippi? A Nothing only what father said he lived there.
- Q That is one state that you heard he lived in? A Yes sir.
- Q Did you ever hear he went from Mississippi anywhere? A Yes sir, to Texas.
- Q When did he go to Texas? A I don't know.
- Q Did your grandfather die in Texas? A I don't know whether he did or not.
- Q You never heard that he went from Texas back to Mississippi or anywhere else? A No sir.
- Q Now, you heard that your grandfather used to live in Mississippi and heard that he went to Texas through your father? A Yes sir.
- Q Did you ever hear how old he would be if living now? A No sir.

Robert L. Allen—4

- Q Did you ever hear when he was born? A No sir.
Q Nor where he was born? A No sir.
Q Did you ever hear that your grandfather, Jonathan O. Allen, lived in the state of Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't know whether he was or not?
Q How old is your father now? A I don't know just exactly, about 55 I guess.
Q Where was your father born? A In Texas I guess.
Q He never lived in Mississippi? A No sir, I guess not.

You understand that it will be necessary for you to prove that you had an ancestor who had Choctaw blood and who lived in the old Choctaw Nation east of the Mississippi river either in Alabama or Mississippi in 1830; that this ancestor not only lived in that old Choctaw Nation in 1830 and 1831 but that he was the head of a family there then, or in other words had a family of children living there at that time. And further you must prove that this ancestor being a head of a family complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. Your testimony so far is that you derive your Choctaw blood through Jonathan C. Allen; that you get all your information from your father, William J. Allen, but you are not able to tell how much Choctaw blood Jonathan C. Allen had; you only said that you father said he lived in Mississippi at one time, but you do not know when, and removed from there to Texas in some period of his life. You haven't stated that he lived there in 1830 nor that he had a family living with him there at that time, neither have you stated that he complied or attempted to comply with article fourteen 14 of the treaty of 1830.

- Q Do you know anything about that? A No sir.
Q Do you think if you were given any time in this case that you could produce such testimony as that? A I don't know.
Q Do you want any time extended to you to make that effort? A Yes sir.

30 days time from the date hereof is allowed this applicant in which to furnish any other proof which he may desire to present in conformity to the rules of the Commission.

- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1831? A None that I know of.
Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the states? A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.

The Choctaw Indians who stayed back in that old Choctaw

Nation east of the Mississippi river, that is in the Choctaw Nation which was partly in the state of Alabama and partly in the state of Mississippi, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed under an act of Congress approved August 23rd of that year; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842, and claim any benefits under article fourteen of that treaty? A I don't know whether they did or not.

The act of Congress approved August 23rd 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in the old Choctaw Nation in Mississippi or Alabama which the government had taken from him and sold, he might select land either in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land, vacant property belonging to the government, and that a certificate to that effect should be given to him, these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know whether they did or not.
- Q Have you any other testimony or evidence that you want to present now? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything further that you want to say now in support of this claim? A No sir.
- Q Have you any other relatives that you know intend to come before this Commission to be identified as Mississippi Choctaws who have not been here? A My uncle was aiming to come I think.
- Q What is his name? A Andrew G. Allen.
- Q Where does he live? A He lives in Texas.
- Q Any other relatives that havenot been here? A None that I know of that is aiming to come.
- Q Has he any married children? A Yes sir.
- Q Have they been before the Commission? A Not that I know of.
- Q Can you give their names? A Willie Allen.
- Q Not married? A Yes sir she is married.
- Q Give her married name? A Willie Day.
- Q Where does she live? A In Texas.

Robert L. Allen

- Q What is her husband's name? A Jeff Day.
Q And what is his post office address? A I don't know.
Q Are there any other married children of this uncle? A One.
Q What is the name? A Minnie Young.
Q Where does she live? A In Texas, I suppose.
Q Do you know where in Texas? A Frost.
Q What is her husband's name? A John Young.
Q Have you given all the relatives that you know of yours who have not been before the Commission? A No not all.
Q Give them all? A His next child.
Q Over twenty-one? A Yes sir.
Q What is his name? A Ed Allen.
Q Not married? A No sir.
Q Where does he live? A In Texas, Smithfield, Texas.
Q Now the rest? A I have an aunt.
Q What's her name? A Tennessee Ruble.
Q What's her husband's name? A J. G. Ruble.
Q What is their post office address? A Lott, Texas.
Q Any children in that family? A Three of them.
Q Give the name of the oldest? A Robert Ruble.
Q How old is Robert? A 23 or 24 I think.
Q What is his post office? A Lott, Texas.
Q Do you recollect any others? A Minnie Ruble, she's married, I don't know her married name.
Q How old is she now? A 18.
Q Do you think of any others? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, blue eyes, medium fair complexion, tanned now by exposure to the sun. does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1850.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 20th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of August, 1902.

W. H. Martin
B. C. Jones
Notary Public.

COPY

M.C.R. 6160.

Muskogee, Indian Territory, January 31, 1903.

Robert L. Allen,

Orr, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle E. Allen, William B. Allen, Lizzie Allen, Leticia Allen, John Martin Allen, Delia A. Richardson,

R. L. A. # 2.

Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Clark

Acting Chairman.

Registered.

M. C. R. 6160.

Muskogee, Indian Territory, July 22, 1903.

Robert L. Allen,
Orr, Indian Territory,

Dear Sir:-

You are hereby notified that on the 15th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

T. B. Neefies.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name

Robert L. Allen

Age

22+

Blood

Don't know.

Post-Office,

Orr. L. T.

Father:

William J. Allen. l

Mother:

Martha Ann " l

Claims through

father — —

Children:

Claims for self
alone —

Stenographer

W. H. Martin

Choctaw MCR 6161

Delia A. Richardson

See MCR 5200

MCR 6161

43181.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 20, 1902.

In the matter of the application of Delia A. Richardson
for the identification of herself and her five minor children,
Florence Virginia, William Joseph, John D., Essie Lee, and George
Franklin Richardson, as Mississippi Choctaws.

Francis A. Pierce, attorney for applicants. No appearance.

Delia A. Richardson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Delia A. Richardson.
Q What is your age? A 26 the end of July past.
Q What is your post office address? A Franks, I. T.
Q How long have you lived at Franks? A Three years.
Q Where did you live before that? A Down in Texas.
Q Were you born in Texas? A Yes, in Texas.
Q Where in Texas were you born? A Limestone County.
Q How long did you live in Texas? A I have been living in the
Nation 7 years.
Q Then for 19 years you lived in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William J. Allen.
Q What is your mother's name? A Martha Ann Allen.
Q Through which parent do you claim Choctaw blood? A Father's
side.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized as a Choctaw Indian or
enrolled as one by the Choctaw tribal authorities or the United
States authorities in the Indian Territory? A No sir.
Q He has made application to be identified as a Mississippi
Choctaw has he not? A Yes sir.
Q Did he appear before the Commission April 15, 1902? A Yes
sir.
Q Have you the proof of your father's and mother's marriage with
you at this time? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George W. Richardson.
Q Is he living? A Yes sir.
Q Is he Indian? A No sir, white man.
Q Do you make any claim for him? A No sir.
Q Have you any children under 21 years of age and unmarried that
you want to make application for? A I have five.

- Q Give the name of the eldest? A Florence Virginia.
 Q How old is she? A Ten years old.
 Q What is the name of the next? A William Joseph.
 Q How old is he? A Eight years old.
 Q The next? A John B.
 Q How old? A Seven.
 Q The next? A Bessie Lee.
 Q How old is Bessie? A Three years old.
 Q The next? A George Franklin.
 Q How old is George? A Three months old.
 Q That is all is it? A Yes sir.
 Q You claim for yourself and these children? A Yes sir.
 Q Is George W. Richardson the father of these children? A Yes sir.
 Q Are you and he living together at his home as husband and wife? A Yes sir.
 Q And these children living with you are they? A Yes sir.
 Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 18, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Have you at any time made application prior to this date for yourself and minor children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as members of the Choctaw tribe of Indians? A No sir.
 Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes I don't know.

A treaty is a contract or a compact more properly speaking made between one or more Nations instead of between individuals. Now a treaty like that was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi. It was made for the purpose of getting the consent of all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to go to the Choctaw Nation, Indian Territory, of their own free will. This treaty was made on the 27th day of September, 1830, and was ratified on the 24th day of February, 1831. Before the treaty was signed on the 27th day of September, 1830, it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests and preserve the rights of these Indians who stayed back in the old Nation article fourteen was drafted and put into the treaty of 1830; then it was signed and afterwards ratified with that article in it. That article fourteen is the article under which you are claiming today, and is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir, sorter.
- Q What part of it is there that you don't understand? A I understand it enough.
- Q Perhaps you would like to have me read that again? A No sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A Jonathan C. Allen.
- Q Is that your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A I don't know.
- Q Do you know what his wife's name was? A No sir.
- Q Was she a white woman? A I don't know.
- Q Did Jonathan C. Allen live in the state of Mississippi? A I don't know.
- Q Did you ever hear your father or anybody say that he ever lived in the state of Mississippi? A I don't know as I did. I have heard father say that they left there or come from there to Texas.
- Q You heard your father say that your grandfather, Jonathan C. Allen used to live in Mississippi? A Yes sir.
- Q Do you know where he was born? A No sir.
- Q Do you know when he was born? A No sir.
- Q Do you know when and where he died? A No sir.
- Q How old would Jonathan C. Allen be if living now? A I don't know, pretty old.
- Q Do you think he lived in the state of Mississippi in 1830, 72 Years ago? A Yes sir.
- Q What makes you think that? A I don't know, because it has been a good while ago.
- Q That was when the treaty was made in 1830, do you know that Jonathan C. Allen was living there then? A I don't know.
- Q You never heard did you? A No sir.
- Q Can you give the name of any Choctaw ancestor who did live in Mississippi in the old Choctaw Nation in 1830? A No sir.
- Q Can you give the name of any Choctaw ancestor who lived there at that time and was the head of a family there then? A No sir.

The provisions or conditions of article fourteen of the

of the treaty of 1830 were such that applicants who appear before the Commission at this time are required to show that they had a Choctaw Indian ancestor who lived in Mississippi in 1830 in the old Choctaw Nation or in the old Choctaw Nation in Alabama; that that ancestor was the head of a family living there then, and complied or attempted to comply with article fourteen of the treaty of 1830.

- Q Are you able to introduce any such proof as that now? A I don't know.
- Q You have not done so yet,—do you think you can if you were given a little time? A Why, I don't know anything only what father said.
- Q You get all of your information from your father, and don't know anything more than that? A No sir.
- Q Your father's name is William J. Allen, is it? A Yes sir.
- Q Do you want to have your case consolidated with the case of your father, William J. Allen, and others? A Yes sir.
- Q Do you rely in this evidence that you give and in this application upon his testimony as well as your own to prove your case? A Yes sir.

The case of William J. Allen, et al., M. C. R. 5200, is here referred to for the purpose of consolidation.

- Q Did your father ever live in Mississippi? A I don't know.
- Q Where was he born? A Texas, I think.
- Q And where has he lived since? A He came from Texas to the Nation.
- Q Did he ever go to Mississippi? A I guess not, I don't know.
- Q You never heard that he did, did you? A No sir.
- Q Did any of your Choctaw Indian ancestors, if they had Indian blood, own any improvements on land in Mississippi or Alabama in 1830 or 1831? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know, sir.

The Indians who stayed back in that old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and signify to him their intention of remaining in Mississippi, taking land there and becoming citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register, and his neglect to do this caused a great number of Indians who had land in Mississippi upon which they had improvements to lose both their lands and improvements, both were taken from them by the government and sold at its public land sales; so that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which went down to Mississippi and heard claims under article fourteen of the

Delia A Richardson ———— 5

treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act of Congress approved August 23rd of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians that proved their claims under article fourteen of the treaty of 1830, and also further proved that they had had land in Mississippi taken from them by the government and sold.

- Q Have you any other evidence that you want to present at this time? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair, blue eyes, medium fair complexion,

- Q Do you understand the Choctaw language? A No sir.

She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 20th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 29 day of August, 1902.

B. C. Jones
Notary Public.

COPY

M.C.R. 6161.

Muskogee, Indian Territory, January 31, 1903.

Delia A. Richardson,

Franks, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 3203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William E. Allen, Lizzie

D. A. R. # 2.

Allen, Luttitia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D. Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tarhe Dixby.

Acting Chairman.

Registered.

M. O. R. 6161.

COPY.

Muskogee, Indian Territory, July 22, 1903.

Della A. Richardson,

Franks, Indian Territory.

Dear Madam:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William J. Allen et al., of which decision you were advised by Registered mail on the 31st day of January, 1903.

Respectfully,

J. B. Needles
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name *Helia A. Richardson,*Age *26.* — Blood *Don't know*Post-Office, *Frank's, I. T.,*Father: *William J. Allen* *l*Mother: *Marta Ann* " *l.*

Claims through

*husband, father —**George W. Richardson, l. w**No claim for husband*

Children;

*Flanner V. Richardson. 10**William J. " 8**John R. " 7**Bessie Lee " 3**George Franklin " 3 m.**Claims for self
and children —*Stenographer, *J. H. Martin*

Choctaw MCR 6162

Eliza Jane Peters

See MCR 6163, 6166, 6167, 6244
6245, 6164, 6165

MCR 6162

Sub

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Jane Peters, et al., for identification as Mississippi Choctaws, consolidating the applications of--

Eliza Jane Peters,	M.C.R.6162
James Peters, et al.,	M.C.R.6163
John L. Peters,	M.C.R.6166
William Ellis Peters,	M.C.R.6167
William Peters, et al.,	M.C.R.6244
Mattie M. Smith, et al.,	M.C.R.6245
Mary E. Nelson, et al.,	M.C.R.6164
Charles W. Peters, et al.,	M.C.R.6165

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

	page
Original application of Eliza Jane Peters to the Dawes Commission for identification as a Missis- sippi Choctaw,.....	1
Affidavit of Charley Smith,.....	9A
Affidavit of Sam E. Perry,.....	9B
Original application of James Peters, et al., to the Dawes Commission for identification as Mississippi Choctaws,.....	10
Marriage certificate of James Peters and M. E. McClair,.....	19
Original application of John L. Peters to the Dawes Commission for identification as a Mississippi Choctaw,.....	20
Original application of William Ellis Peters to the Dawes Commission for identification as a Mississippi Choctaw,.....	25

Original application of William Peters, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	30
Original application of Mattie M. Smith, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	38
Original application of Mary E. Nelson, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	42
Original application of Charles W. Peters, et al., to the Dawes Commission for identification as Miss- issippi Choctaws-----	49
Decision of the Commission refusing the ap- plications in the consolidated case of Eliza Jane Peters, et al., for identification as Mississippi Choctaws-----	56

4122.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 21, 1902.

In the matter of the application of Eliza Jane Peters for
the identification of herself as a Mississippi Choctaw.

Eliza Jane Peters after being first duly sworn testifies
as follows:

Examination by the Commission.

- Q What is your name? A Eliza Jane Peters.
Q What is your age? A Somewhere near 60, I don't know my age
exactly.
Q What is your post office address? A Mountainburg, Arkansas.
Q How long have you lived there? A Well, a little over a year.
Q How long have you lived in Arkansas? A I reckon I was born
there.
Q Always lived there? A Well, I lived in Texas about two year
and come right back into Arkansas.
Q Do you remember the years you lived in Texas? A Well, I
guess about 20 years ago I lived two year in Texas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Jacob Sinclair.
Q What is your mother's name? A Cornelia.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know, my
grandmother was Mahanta.
Q How much Choctaw blood? A I don't know really, I was young
when my folks all died.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the United States authorities in the Indian
Territory? A Not that I know of. She died when I was small.
Q Are you married? A Of course I am married.
Q What is your husband's name? A Ellis Peters.
Q Is your husband living? A Yes sir.
Q Is he a white man or Choctaw Indian? A A white man I reckon, he
has always claimed it.
Q Do you make any claim for your husband as a Choctaw Indian? A
A No sir, I don't make any claim for him as Choctaw Indian,
just all on my mother's side.

Eliza Jane Peters-----2

- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No sir.
- Q You just want to make application for yourself alone? A Just for myself alone.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made either to the Choctaw tribal authorities, or the United States authorities for citizenship in the Choctaw Nation? A Yes sir, the first time.
- Q Do you now want to make be identified as a Mississippi Choctaw? A I reckon so, thats what I came for.
- Q Do you claim this right under article fourteen of the treaty of 1830? A I hardly know how to answer that question.
- Q You do not know about that treaty? A No sir, I have never been informed in any way.
- Q You have no attorney have you? A No sir.
- Q Have you ever talked with an attorney about your right? A Some little.
- Q Did he ever tell you what you had to do to prove your right? A Well, he said I would have to come up and claim on my grandmother's and mother's side.
- Q Did he ever tell you about article fourteen of the treaty of 1830? A Not that I remember.
- Q He never mentioned that to you at all? A No, he did not.

All Mississippi Choctaw claimants who come before the Commission to be identified as Mississippi Choctaws must show that they have Choctaw blood in the first place, and then in the second place they have to show that their ancestor who had Choctaw blood complied or attempted to comply with a certain article of a certain treaty. That treaty is called the treaty of Dancing Rabbit Creek or the treaty of 1830, and the article that they have to show compliance with is article fourteen of that treaty. Now if you have never had this explained to you the Commission will explain it to you now so you will understand it. A treaty is a compact or contract or to make it more simple an agreement in writing made between two or more Nations instead of made between individuals. Now you understand what an agreement in writing is, where you sign your name to a written agreement and some one else signs it and you agree to do certain things and he agrees to do certain things. Now a treaty is the same thing, it is a contract in writing, but the parties to that contract are Nations, and not individual people. Such a treaty as that was made between the United States government and the Choctaw tribe of Indians, two Nations.

They both signed that treaty of 1830. It was called the treaty of 1830 because it was made in that year at a place called Dancing Rabbit Creek in the state of Mississippi. The object of that agreement between these two Nations was to get the consent of the Choctaw Nation or tribe of Indians to remove from that old Nation that they then occupied east of the Mississippi river to the Choctaw Nation Indian Territory. The reason why the government wanted them to remove was that the government could protect them better in the Choctaw Nation, Indian Territory than it could protect them in that old Nation east of the Mississippi river. Now before that treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who wanted to stay back there in that old Nation this article that I have been describing to you, article fourteen, was put into the treaty, and then the treaty was signed and later on it became ratified. Article fourteen of the treaty is the article of the whole treaty upon which you as an applicant here and upon which all other applicants here depend to prove their right to be identified as Mississippi Choctaw Indians. Now that article is like this:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizens of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That is the wording of that article, and it simply means this: That those Indians who stayed back there in the old Choctaw Nation which was partly in Mississippi and partly in Alabama, if they wanted to stay they should be permitted to do so, but they had to do this: They had to go to the United States Indian Agent, whose name was Colonel Ward, within six months after that treaty was ratified, that is six months from February 24th, 1831, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States.

- Q Do you know if any of your Choctaw ancestors did this? A No sir.
- Q Do you know whether any of them complied in any way or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I think my grandmother did as well as I recollect.
- Q What was your grandmother's name? A I never heard any name but Nahomba.

Eliza Jane Peters-----4

- Q Can you spell that name? A N-a-h-o-m-b-a.
- Q Whom did you say she married? A Cornelius.
- Q Is Cornelius the only name that you remember? A Yes, all I remember.
- Q What relation was Nahomba to you? A My grandmother.
- Q How much Choctaw blood di she have? A I suppose she must have been a full blood.
- Q What makes you think she was a full blood? A By the name.
- Q Do you think that is a Choctaw Indian name? A Yes sir, it must be, that is what my folks taught me when I was small, I have to go by what I recollect when I was very small.
- Q Did she speak the Choctaw language? A I don't recollect.
- Q Did you ever see her yourself? A I don't think I ever did,-- yes, I have saw her, I just recollect seeing her.
- Q Do you remember how she looked? A No, I can't hardly recognize her now.
- Q How old were you when you knew her? A I reckon I was about fourteen, I couldn't have been any older.
- Q You were about fourteen years old then? A I guess so.
- Q Can you recollect how she looked? A She was tolerably dark, but her head was pretty light.
- Q How old was she then, when you were fourteen years old? A I don't recollect, she might have told me, but I can't recollect, she was very old.
- Q Was she fifty years old or sixty? A Yes sir, she must have been upwards of that.
- Q Do you think she ever lived in Mississippi? A I am satisfied she did.
- Q Do you know where in Mississippi she lived? A I don't know.
- Q Where was she born? A I can't tell you.
- Q Where did she die? A She died in Arkansas.
- Q When did she die? A I can't tell you.
- Q Was it before the war or after the war? A Just at the commencement I think.
- Q About the year 1861 then? A I think so.
- Q About how old was she at that time? A You are just a little too hard for me, I don't recollect her age. She must have been 60 or 65, she looked old.
- Q Then she was certainly born before the year 1830 was she not?
- Q I would think so to the best of my knowledge.
- Q If she died about the beginning of the war which was in 1861, and if she was between 60 and 65 years old or thereabouts at the time of her death, she must have been born before the year 1830, because that would only be 30 years back from 1860; now, do you know whether she was living in the state of Mississippi in what was known as the old Choctaw Nation in the year 1830 and whether she was married then and had a family living there then? A I don't recollect.
- Q Do you know if she was living in the state of Mississippi at that time in the old Choctaw Nation whether she had a family there or not? A I don't know whether she had or not.
- Q You never heard about that? A Never heard about it.

You are advised by the Commission that it is important for all applicants who come here to be identified as Mississippi Choctaws to show that their Mississippi Choctaw ancestor lived in the old Choctaw Nation east of the Mississippi river,

Eliza Jane Peters-----5

either in that portion which was in Alabama or in that portion which was in Mississippi, in 1830, and that they not only lived there at that time but were married and were the heads of families there at that time, and further that they complied or attempted to comply with article fourteen of the treaty of 1830.

- Q Do you know whether your ancestor, Nahomba, or any other Choctaw ancestor of yours, complied with those conditions of article 14 of that treaty? A I was told she did.
- Q Tell me exactly what you were told? A They said she registered at a certain time but I have forgotten the time.
- Q Registered with whom and before whom? A You are a little bit too hard for me.
- Q What did you understand registered to mean? A I reckon put her name on the roll.
- Q Who had charge of those rolls? A I never did hear who had charge of them.
- Q You never heard of Colonel Ward? A I have heard the name called.
- Q In what connection have you heard that name called? A Well, just in talking about being enrolled and all, I have heard the name called.
- Q Do you know when this was? A No, not exactly.
- Q Who was it that ever spoke to you about Colonel Ward, or about your grandmother, Nahomba, having registered at any time? A I have heard it spoke of when I was very small, and a man spoke to me about it a few days ago?
- Q Who was he? A Hampton.
- Q Do you know his full name? A No sir.
- Q Where does he live? A In,-- I can't recollect the name of the place.
- Q Was he a stranger to you? A Yes sir.
- Q How old a man was he? A Just a middle aged man, looked like 40 or 45.
- Q What did he say to you about your grandmother, Nahomba? A He said she was registered.
- Q Was that man Hampton a lawyer? A An Indian.
- Q A full blood Indian? A He claimed to be.
- Q Did he want to get your claim to present before the Commission? A Yes sir.
- Q He then interviewed you and told you you had a claim and that your grandmother, Nahomba, registered in order to get your claim? A Well, I guess so.
- Q You do not recall anything further do you about Nahomba and about her having received land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I have heard it talked about, but didn't pay enough attention to it.
- Q Do you know whether she did actually own any land in that old Choctaw Nation which she received from the United States government under article fourteen of that treaty? A No sir.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay there in Mississippi, take land there and become citizens of the United States? A I never learned.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians with between 1833 and 1838 or '40? I expect they did but I don't know.

Eliza Jane Peters-----6

- Q What makes you think they did? A I have heard them talk about it.
- Q Who did you hear talk about it? A My father.
- Q What did he say? A I just recollect hearing him talk about being in the Indian Nation.
- Q How old would your father be if living now? A He would be 90 or 95, he was old when he died.
- Q What was your father's name? A Jacob Sinclair.
- Q And your mother was named what? A Margaret Cornelius.
- Q Did you not say her name was Cornelia? A I don't know.
- Q Your mother was named Margaret Cornelius? A Yes sir.
- Q She was the daughter of Nahomba? A Yes sir.
- Q And she married Jacob Sinclair? A Yes sir.
- Q And you claim your Choctaw blood through Margaret Cornelius who married Jacob Sinclair? A Yes sir.
- Q Did she live in Mississippi at any time during her life? A Yes sir.
- Q And did she living there at any time in the old Choctaw Nation have a family of children there then? A To the best of my recollection she did and what I have been told.
- Q Do you claim then that Margaret Sinclair was your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi in 1830, and was the head of a family there then? A Yes, to the best of my knowledge she did.
- Q How old would your mother be if living now? A I can't tell you, I never tried to keep any record.
- Q When did she die? A It must have been forty years, more too.
- Q Was she an old woman when she died? A I reckon about forty, just kinder guess at it.
- Q If she was forty when she died and died forty years ago she would be 80 years old if living now? A Yes sir.
- Q If she was 80 years old now then she was born in 1822 was she not? A I never kept no record.
- Q If she was 80 years old she would have been born 80 years ago; now the question was: was she living in Mississippi in 1830 and was she the head of a family, or have children there then, and you said to the best of your recollection she was? A Yes sir.
- Q Well, she would have been eight years old at that time, and therefore would be too young to be married and have a family of children in 1830? A I told you I never kept any record and never knew nothing about it.
- Q Are you able to tell me whether she was a little girl living in Mississippi in the year 1830 when that treaty was made and living with her mother, Nahomba? A She must have been, I can't say for certain, I don't know.
- Q Can you say for certain that her mother, Nahomba, who married Cornelius, lived in Mississippi in 1830? A I can't say for certain she did.
- Q Was your mother, Cornelius, Margaret Cornelius, a middle aged woman or an old woman when she died, forty years ago? A I guess she was getting old.
- Q Forty years old is not very old? A I thought my mother,-- she was somewhere in forty to the best of my recollection.
- Q She must have been a child then when the treaty of 1830 was made? A She must have been according to your statement.
- Q You are not able to give any further testimony on that subject? A No sir, that's all I know; I don't want to put in something that I ain't certain of.
- Q Did any of your Choctaw ancestors own any improvements on land

Eliza Jane Peters-----7

in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know whether they did or not, there was very few relations of us, my mother had no sisters, - I nev er heard her talk about any sisters or bothers, I think she might have been the only child.

- Q Did you ever hear that any of your Choctaw ancestors, either your grandmother, Nahomba, or any other Choctaw ancestor, owned any land or claimed any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't recollect.
- Q Can you give any other testimony about Nahomba having registered on Ward's list or any other list made by the United States government through its agents in Mississippi? A No sir, of course I was too young to talk on any such subjects with my parents.

The Choctaw Indians who lived in Mississippi or in Alabama in what was known as the old Choctaw Nation and who stayed there after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, were required if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register." His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused a good many complaints among the Indians so that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act of Congress approved August 23rd of that year Congress appointed another Commission for the same purpose; this commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did your grandmother, Nahomba, or any other ancestor of yours go before either of these two Commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A I have heard that my grandmother did.
- Q What have you heard that your grandmother did? A I heard she registered.
- Q Did she register in Mississippi? She might have registered at the office of Colonel Ward in 1831, or she might have registered before the Commission appointed in 1837 or before the Commission appointed in 1842, but they were all sitting in Mississippi, and if she registered before any of them or if she registered before Ward or either of the Commission of 1842 and 1837 she must have done it in the state of Mississippi and thereore must have lived there then, what do you think about that? A I don't know anything about it.
- Q What have you heard about that? A I just heard she registered but I don't know when, I heard her name was on the books.
- Q But you do not know what books? A No sir.

The records in the possession of the Commission containing the names of those persons who complied or attempted to comply with the 14th article of the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27th, 1830, examined, and it is not found that Nahomba signified in person or by proxy to Colonel William Ward, United States Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by acts of Congress approved March 3rd, 1837, (5 Stats., 180), and August 23rd, 1842, (5 Stats., 513).

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also further appeared that he had had land in the old Choctaw Nation either in Mississippi or Alabama which the government had taken from him and sold that he might select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him, these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A Not that I knew of.
- Q Have you any other evidence that you want to present now in support of your claim? A I don't know that it is necessary, she is my grandmother.
- Q Do you want any more time in which to introduce testimony? A I don't know that there is any more that I can produce.
- Q You don't care for any more time? A I don't know what answer to make, I want to prove up.

Thirty days time from the date hereof is allowed this applicant in which to introduce other testimony in support of this application. This time is allowed this applicant because she appears before the Commission without an attorney, and has not had previous advice as to her rights any further than she has been advised by the Commission in this examination.

- Q Do you speak the Choctaw language? A No sir.
- Q Do you know anything about that language? A No sir.
- Q What was the color of your hair formerly, it is now gray? A My hair was black. My skin was fair but my hair was black.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has gray hair which she says was formerly black; her skin is fair, her eyes are brown. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 31st

Elisa Jane Peters-----9

day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

J. H. Martin

Subscribed and sworn to before me this the 29 day of August, 1902.

B. J. Jones

Notary Public.

Muskogee, Indian Territory, February 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie M. Smith, et al.,	M.C.R. 6245
Mary E. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith, Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles W. Peters and Myrtle Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

+2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

respectfully,

Tame Birbu.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 10, 1903.

Eliza Jane Peters,

Mountainburg, Arkansas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie M. Smith, et al.,	M.C.R. 6246
Mary E. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith, Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles

W. Peters, and Myrtie Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Eliza Jane Peters, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 10, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Eliza Jane Peters	M.C.R. 6162
James Peters, et al.	M.C.R. 6163
John L. Peters	M.C.R. 6166
William Ellis Peters	M.C.R. 6167
William Peters, et al.	M.C.R. 6244
Mattie M. Smith, et al.	M.C.R. 6245
Mary E. Nelson, et al.	M.C.R. 6164
Charles W. Peters, et al.	M.C.R. 6165

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

James E. Kirby
Chairman.

2 inclosures: M.C.R. 6162

COPY

Land
13,857-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.
March 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application of the following parties for identification as Mississippi Choctaws: Eliza Jane Peters for herself; James Peters for himself and his minor child, Laura Jane Peters; John L. Peters for himself; William Ellis Peters for himself; William Peters for himself and his three minor children, Bessie, George Thomas and Claude Peters; Mattie M. Smith for herself and her two minor children, Kirby and Myrtle Smith; Mary E. Nelson for herself and her three minor children, Minnie, Walter and Mandie Nelson, and Charles W. Peters for himself and his minor child, Myrtle Isabel Peters, wherein a decision adverse to the applicants was rendered by the commission on February 10, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Nahomba, female, who married.....Cornelius, and Margaret Cornelius, who, it is

claimed, were Choctaw Indians and residents of the Choctaw Nation at the date of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office, and it is discovered that the names of Nahomba,.....Cornelius, and Margaret Cornelius, do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. TONNER

Acting Commissioner.

(E.B.H.)

P?

D.C. 15088-1903.

I.T.D. 3056-1903.
LRS.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H.
THE.

May 16, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 26, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Eliza Jane Peters (M.C.R. 6162), for herself; of James Peters for himself and his minor child, Laura Jane Peters; of John L. Peters for himself; of William Ellis Peters for himself; of William Peters for himself and his three minor children, Bessie, George Thomas and Claude Peters; of Mattie M. Smith for herself and her two minor children, Kirby and Myrtle Smith; of Mary E. Nelson for herself and her three minor children, Minnie, Water and Maudie Nelson; and of Charles W. Peters for himself and his minor child, Myrtle Isabel Peters, including your decision of February 10, 1903, refusing to identify them as such.

The principal applicant, Eliza Jane Peters, through whom the others claim, is a quarter blood Choctaw. She was born in Arkansas in 1842, and obtained her Choctaw blood from her mother, Mrs. Jacob Sinclair, whose maiden name was Margaret Cornelius. It seems that the latter was born a few years prior to the treaty of Dancing Rabbit Creek, and that she was the daughter of a man named Cornelius, by his Indian wife, Wahomba, who is supposed to have been

a full blood Choctaw, and a resident of Mississippi. The applicants are unable, however, to state the name of the county in which she resided. Her name also appears as Nahoba, Shehoba, Mahombe, and Ahomba.

In said decision you state:

"The name Mahombee appears on page 89 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians owning farms in Greenwood LeFlore's District in Mississippi at the date of the treaty of 'Dancing Rabbit Creek,' and on page 135 of the same record in a list of claims allowed under said treaty in Greenwood LeFlore's District; but there is nothing in the testimony submitted by the applicants herein which would tend to show that the Mahombee whose name appears upon the record above cited is identical with the person through whom they claim."

It is noted in connection with the above that said record does not show under what article of the treaty of Dancing Rabbit Creek the claim of Mahombee was allowed. It is concluded, however, that said claim was probably allowed under article 19 of that treaty, in view of the report of the Acting Commissioner of Indian Affairs of March 18, 1903, which reads in part as follows:

"An examination has been made of the records of this office, and it is discovered that the names of Nahomba,.....Cornelius, and Margaret Cornelius, do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830."

The only testimony contained in the record which tends to show that the said Nahomba was entitled to the benefits of article 14 of the treaty of September 27, 1830, is found in the statements of the principal applicant, and in the affidavits of Charley Smith and Sam P. Perry. The principal applicant has an

indistinct remembrance of having heard when a child that her grandmother Nahomba appeared before Col. Ward in Mississippi and attempted to register. Her remembrance of the matters whereof she testifies is so vague and uncertain, however, that little or no importance can be attached to her statements. From the affidavit of Charley Smith it appears that Nahomba and her family were enrolled in Mississippi "for the five years stay", and "that they got land from the government under the 14th article of the treaty of 1830." The affiant's age does not appear in the affidavit, nor does it show by what means he obtained his knowledge of the matters testified to therein.

The affidavit of Sam P. Perry shows that the family of Nahomba were residents of Mississippi, and that they attempted to secure land there. Said affidavit does not mention article 14 of the treaty of September 27, 1830.

It is evident that neither the information furnished by these applicants and their witnesses, nor the information contained in the records quoted above, is sufficient to warrant the identification of these applicants as Mississippi Choctaws. The Department therefore concurs in the recommendation of the Acting Commissioner that your decision be approved, and said decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

M.C.R. 6122.

COPY.

Muskogee, Indian Territory, July 10, 1903.

Eliza Jane Peters,
Mountainburg, Arkansas.

Dear Madam:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED,

T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by mail on the 10th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles
Commissioner in Charge.

COPY.

g.d.s.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-0-

In the matter of the application of Eliza Jane Peters, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie W. Smith, et al.,	M.C.R. 6245
Mary F. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

--- D E C I S I O N ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Eliza Jane Peters for herself; by James Peters for himself and
his minor child, Laura Jane Peters; by John L. Peters for himself;
by William Ellis Peters for himself; by William Peters for himself
and his three minor children, Bessie, George Thomas and Claude
Peters; by Mattie M. Smith for herself and her two minor children,
Kirby and Myrtle Smith; by Mary F. Nelson for herself and her three

minor children, Minnie, Walter and Maudie Nelson; and by Charles W. Peters for himself and his minor child, Myrtie Isabel Peters, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of the maternal grand-mother of the principal applicant, who is alleged to have been a full-blood Choctaw woman named Nahomba (or Nahoba, or Shehoba, or Mahomba, or Ahomba,) who resided in Mississippi in eighteen hundred and thirty. Some of the applicants also claim that Jacob Sinclair, the father of the principal applicant, was a half-blood Choctaw Indian, although the said principal applicant claims him to have been a white man; however, in order that every possible right as Mississippi Choctaws which these applicants may be possessed of shall be fully adjudicated, the said Jacob Sinclair will also be considered as a Choctaw ancestor through whom they claim said rights.

The name Nahomba appears on page 89 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians owning farms in Greenwood Leflore's District in Mississippi at the date of the treaty of "Dancing Rabbit Creek," and on page 135 of

the same record in a list of claims allowed under said treaty in Greenwood Leflore's District; but there is nothing in the testimony submitted by the applicants herein which would tend to show that the Nahombae whose name appears upon the record above cited is identical with the person through whom they claim.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nahomba (or Nahoba or Shohoba, or Mahomba, or Ahomba), through whom these applicants claim, or Jacob Sinclair, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith, Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles W. Peters and Myrtle Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Dixby.

Acting Chairman

I. B. Needles.

Commissioner

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 10 1903

Consolidated Case
of
Eliza Jane Peters

6162

For Identification as a Mississippi Choctaw.

Date

Name Eliza Jane Peters,

Age 60 Blood don't know

Post-Office, Mountain Burg, Ark.

Father: Jacob Sinclair, d.

Mother: ~~Mary~~ ~~Norah~~ " d.

Claims through Mother

husband Ellis Peters. l. w.

No claim for husband.

~~Children:~~

Claims for self alone

Stenographer H. H. Martin -

Choctaw MCR 6163

James Peters

See MCR 6162

MCR 6163

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 21, 1902.

#5102.

In the matter of the application of James Peters for the identification of himself and his minor child, Laura Jane Peters, as Mississippi Choctaws.

James Peters after being first duly sworn testifies as follows:

Examination by the Commission.

- Q Your name is James Peters? A Yes sir.
Q What is your age? A About 45.
Q What is your post office address? A Lehigh, Indian Territory.
Q How long have you lived at Lehigh? A About three years.
Q Where did you live before that? A Off near Reff in the Chickasaw Nation.
Q How long have you lived in the Indian Territory? A About 19 years.
Q In what Nation most of the time? A Chickasaw.
Q Where were you born? A I was born in Arkansas.
Q At what place in Arkansas? A Near Mountainburg.
Q And moved from there to the Indian Territory? A To Texas and then to the Territory.
Q How long did you live in Texas? A About 3 or 4 years.
Q That was before you came to the Territory? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Ellis Peters.
Q What is your mother's name? A Eliza Jane Peters.
Q She has appeared on this date before the Commission to be identified as a Mississippi Choctaw has she not? A Yes sir.
Q Would you like to have her case and yours consolidated? A Yes sir.

The case of Eliza Jane Peters, M. C. R. 5102, is here referred to for the purpose of consolidation.

- Q You claim through your mother don't you? A Yes sir.
Q How much Choctaw blood do you claim? A I suppose about an eighth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities in the In-

- Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Margaret E. Peters.
- Q Is she a Choctaw Indian? A No sir.
- Q A White woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q How many children have you that you want to make application for? A Just one, I have two of age.
- Q What is the name of the child under age? A Laura Jane Peters.
- Q How old is Laura Jane? A About 15.
- Q You say you have two over age? A Yes sir.
- Q Will you give their names, present names if they are married? A Two sons, they are here.
- Q They are here before the Commission? A Yes sir.
- Q You claim for yourself and your daughter? A Yes sir.
- Q Is Margaret E. Peters the mother of this child? A Yes sir.
- Q And of these two sons who are here to make application? A Yes sir.
- Q Are you and your wife living together as husband and wife at the present time? A Yes sir.
- Q Were you married by a minister under a license? A Yes sir.
- Q When were you married? A In '78.
- Q Where were you married? A In Texas.
- Q Do you remember the day of the month? A About the 22nd I think of August.
- Q Have you the proof of that marriage with you now? A No sir, not with me, I have it at home, a certificate.

30 days time from the date hereof will be allowed this applicant in which to introduce the evidence of the marriage of himself and wife, and also any other testimony that he desires to present in support of this application.

- Q Is your name or the name of your daughter on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your child by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and this child either to the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your child as a Mississippi Choctaw? A Yes sir.
- Q Do you claim that right under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I don't thoroughly understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. The reason the government desired to remove the Indians was that they could better protect their interests on property owned by the United States government than on property owned by a state, because the doctrine of state rights militates against the interests of the Indians; the citizens of the states claimed that they had a superior right to the property held by the Indians than the Indians themselves. The only way these Indians could be removed was for them to agree under the treaty to go. A treaty is a contract or more properly speaking a compact made between Nations instead of individuals. This treaty of 1830 or the treaty of Dancing Rabbit Creek after it became signed by the Indians was the method the government had by which it obtained the consent of the Indians to remove to the Choctaw Nation Indian Territory from the Choctaw Nation east of the Mississippi river. A good many Choctaw Indians went across the Mississippi river to the country west of it under the treaty, but a great many Indians also remained in the old Choctaw Nation refusing to go under the treaty. To protect the interests of those Indians who stayed back in that old Choctaw Nation article fourteen was put into the treaty of 1830; the treaty was then signed and afterwards on the 24th day of February, 1831, was ratified. An article is a sub-division or section of the treaty, as the name implies. This article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't know that they did.
- Q Through whom do you claim your right to be identified as a Mississippi Choctaw? A Why, Nahomba.
- Q Is that an Indian name? A Why, I suppose so, I don't know.
- Q Who was Nahomba, what relation to you? A My great grandmother I suppose.

James Peters-----4

- Q How much Choctaw blood did she have? A Supposed to be a full blood.
- Q How do you know that she was a full blood? A Well, I don't know about it.
- Q When do you get your information from? A Really I don't know hardly who.
- Q Was it through your mother? A Yes, I have heard her speak about it.
- Q Anybody else? A No sir.
- Q Your mother is Eliza Jane Peters? A She told me she supposed her grandmother was a full blood.
- Q What you know about Nahomba your great grandmother, you get through your mother? A What little I do know, yes sir.
- Q From what she has told you and what she has testified here in support of her claim? A Yes sir.
- Q Have you any other evidence or proof or evidence at all but what you have derived from your mother in support of this claim? A No sir.
- Q Did she have any other name then Nahomba? A I don't know, not that I ever heard of.
- Q Is that her maiden name? A I suppose so, yes sir.
- Q Do you know who her husband was? A No sir, I don't know who her husband was.
- Q Or whether she had a husband? A No sir, I don't know.
- Q She must have had, because she has descendants; you never heard anything about her husband? A No sir, I have heard it said her husband was Cornelius.
- Q Then she had a husband by the name of Cornelius, was that his Christian or surname? A His surname I suppose.
- Q Was he a white man? A I think so.
- Q Do you know whether Nahomba lived in the state of Mississippi at any time? A I think so, yes sir.
- Q Do you know where she was born? A No sir, I don't know where she was born.
- Q Do you know when she was born? A No sir.
- Q Do you know when and where she died? A No sir.
- Q Can you tell during what years she lived in Mississippi? A No sir.
- Q Did she live in that portion of Mississippi known as the old Choctaw Nation? A Yes sir I think so.
- Q Do you know in what part of Mississippi the old Choctaw Nation was? A No sir.
- Q Do you know in what county she lived? A No sir.
- Q Where do you get this information, from your mother? A Yes sir partly.
- Q Partly from who else? A This man she was speaking about, this man Hampton; he was telling me something about that.
- Q Where was this man when he told you something about it? A He was at Atoka.
- Q He was trying to get your claim to present before the Dawes Commission? A Yes sir, he was wanting it.
- Q How long have you known this man Hampton? A Just a little while.
- Q Just long enough for him to interview you about your claim? A Yes sir, a week or two.
- Q But you did not employ him? A No sir.
- Q How much did he want to take your claim for? A Fifty dollars.
- Q Fifty dollars for the whole family? A No sir, fifty dollars all the way round.
- Q Fifty dollars apiece? A Yes sir.

James Peters-----3

- Q And he knew all about Nahomba did he? A No, he didn't claim to know all about her.
- Q Did he say her name was on the rolls? A He said he was satisfied she was, he lived back in Mississippi.
- Q He was sure about that was he? A I don't know whether he was or not.
- Q Don't you think all he knew about it was he told you so in order to get your claims, was that your impression? A Yes, I am satisfied that was what he was after.
- Q Anyway he was a stranger to you until he introduced himself and his business? A Yes sir.
- Q Through what other source except this man Hampton and what you have learned from your mother did you ever learn of your great grandmother, Nahomba? A Really I don't know anything at all about it except I have heard her speak when I was small about Nahomba.
- Q You can not tell how old Nahomba would be if living now? A No sir, nothing about it.
- Q Nahomba was your great grandmother, was she? A Yes sir.
- Q Did she have a daughter named Margaret Cornelius? A Yes sir.
- Q Whom did Margaret Cornelius marry? A Jacob Sinclair.
- Q Was Jacob Sinclair a white man? A No, I think he was Indian.
- Q What kind of Indian? A He lived in Mississippi and was an Indian.
- Q Do you claim through Jacob Sinclair? A No sir, not at all, but I think from what I can find out that he claimed to be Indian, but we are not trying to claim anything on that side.
- Q If you are able to show that Jacob Sinclair had Mississippi Choctaw blood you have a right to claim through him just the same as his wife, Margaret, who was the daughter of Nahomba; you have a perfect right to claim through any ancestor who had Choctaw blood; now you say that Jacob Sinclair had Choctaw blood? A Yes, that's what I understood a good while ago, that he was part Choctaw.
- Q Did Jacob Sinclair and his wife, Margaret, who was the daughter of Nahomba live in the state of Mississippi at any time? A I don't know whether he did or not.
- Q Did you ever hear your mother say that both Jacob Sinclair and his wife Margaret lived in Mississippi? A No sir, I never heard her say anything about that.
- Q She testified today in your presence that Margaret, the daughter of Nahomba, did live in Mississippi, did you hear her? A No sir, I don't know anything about that.
- Q But you heard her today? A Yes sir, I heard her say so.
- Q Is all that you know about it what you have heard your mother say? A Yes sir.
- Q Did you ever hear her say that previous to this hearing? A Yes sir.
- Q You have heard her say that Nahomba's daughter, Margaret, used to live in Mississippi? A No sir, I never heard that before,-- I have heard her say it.
- Q Now understand my question and answer it: Did you hear your mother, Eliza Jane Peters, say that Nahomba had a daughter named Margaret Cornelius who married Jacob Sinclair, and that that daughter, Margaret, used to live in Mississippi? A Yes sir.
- Q Have you heard her say that previous to this date? A Yes sir.
- Q Did this Margaret live in Mississippi in 1830 in the old Choctaw Nation? A Yes sir, she did.

James Peters—3

- Q How old would she have been at that time if you know? A I don't know.
- Q Was she a little girl or a grown woman and married? A I don't know.
- Q Do you know whether she lived in the old Choctaw Nation in Mississippi and was the head of a family there at that time? A No sir I don't.
- Q Do you know whether her mother, Nahomba, lived in the old Choctaw Nation in Mississippi in 1830 and was the head of a family there then? A No sir.
- Q Are you able to give the name of any Mississippi Choctaw ancestor who did live in Mississippi in 1830 and was the head of a family there then? A Yes sir, Nahomba was there.
- Q I asked you that once, and was she the head of a family there then? A I don't know that she was the head of a family but I suppose she lived there.
- Q Now, Mr. Peters you must answer this question as consistently as your knowledge will permit; the Commission desires to know if you can give the name of any Mississippi Choctaw ancestor who lived in that old Choctaw Nation, in that portion that was either in the state of Alabama or in the state of Mississippi, in 1830, and the Commission wants further to know if you are able to testify whether that ancestor was married at that time or not, and whether that ancestor had a family of children there then or not, now can you answer that question with reference to your great grandmother, Nahomba, whether she lived in the old Choctaw Nation in 1830 and was married at that time? A Yes sir.
- Q Nahomba lived there and was married at that time? A Yes sir.
- Q Now, Nahomba had a daughter, Margaret, what was her full name? A Margaret Cornelius.
- Q Cornelius was the name of Nahomba's husband? A Yes sir.
- Q He was a white man or Indian? A White man.
- Q What was Margaret's husband's name? A Sinclair.
- Q Margaret's husband was named Jacob Sinclair, was he a white man or an Indian? A A white man I suppose.
- Q A little while ago you said he had Choctaw Indian blood? A That's what I have been told.
- Q A few minutes ago in this testimony you said that Jacob Sinclair had Choctaw Indian blood, and now you say he was a white man you suppose, and I would like for you to explain that testimony? A Well, I have seen people in the last twelve months, and have been inquiring into the matter and they told me he was a half blood Indian.
- Q When you come before the Commission to testify you are sworn to tell the truth, the whole truth, and nothing but the truth, so help you God! and you have testified to a half a dozen different things in a half a dozen different questions, and the Commission is unable to tell what is the truth and what is not the truth; now you can go ahead and make your statement with reference to Nahomba and her daughter, Margaret, and with reference to Jacob Sinclair about this application you are making. I want you to tell me if you can if you ever heard that Nahomba, your great grandmother, lived in the state of Mississippi in the old Choctaw Nation? A Yes sir, I have heard that.
- Q How do you know that your great grandmother, Nahomba, lived in the state of Mississippi in the old Choctaw Nation? A I

have been told so.

- Q Who told you? A My mother.
- Q Any other source of information? A No sir.
- Q Did she live in Mississippi in that old Choctaw Nation in 1830? A Yes sir.
- Q Was she married at that time? A Yes sir.
- Q Did she have children living with her then? A Yes sir.
- Q Can you give the names of any of the children that were living with her then? A No sir, I can't.
- Q Did she have a daughter named Margaret? A Yes sir.
- Q Did she live in Mississippi in 1830? A I don't know whether she did or not.
- Q Did you ever hear your mother say that Margaret lived in Mississippi in 1830? A No sir, I never.
- Q Your mother testified so before the Commission here today, did you hear her? A O, yes, she lived there at that time.
- Q A minute ago you said you did not know that she did, how do you explain that? A That's what I have been told.
- Q Can you explain why you can not tell anything consistently? (No response).
- Q Can you give the name of any Choctaw ancestor who lived in the old Choctaw Nation east of the Mississippi river in Mississippi or Alabama in 1830 and was married at that time and had a family there then? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830 or 1831? A I don't know, I suppose so.
- Q Do you know? A I don't know.
- Q What makes you think so? A Why, I don't know really, I don't know that they did have land.
- Q But you said you thought so, and I didn't know but what you had some reason for thinking so, it is just an impression of yours? A Yes sir.
- Q You can't tell where you got that impression? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward at his office or agency in the state of Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I can't tell you.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know.
- Q You heard your mother's testimony a little while ago, did you not? A Yes sir.
- Q And she said that she understood that her grandmother, Nahomba, your great grandmother, registered; she had also heard the name of Colonel William Ward, have you heard any such thing as that? A I have heard the name.
- Q Do you know who he was? A No sir, I don't know who he was.
- Q Did you ever hear that your great grandmother, Nahomba, registered as a Choctaw Indian? A No sir.
- Q You heard her say so, did you not? A Yes sir.

- Q Did you ever hear her say so before? A Yes sir.
- Q Then you have heard that she did register? A Yes sir.
- Q She registered how and for what purpose? A Well, I don't know.
- Q Did she register as a Choctaw Indian, is that what you understood? A Yes sir. I suppose so.
- Q Was that in Mississippi? A No, I don't know how she registered, I suppose it was through getting land and one thing another.
- Q It is just an uncertain recollection on your part? A Yes sir.
- Q And you have no well formed idea what she registered for or when and where she registered? A No sir.
- Q Do you know whether it was in Mississippi? A I suppose so.
- Q Do you know? A No sir.
- Q You do not know that she lived in Mississippi in 1830? A No sir, I don't.
- Q If she registered on Ward's list or attempted to she would have been a resident of that state in 1831, but you don't know anything about that? A No sir.
- Q If she registered under the first commission appointed by Congress to hear the Mississippi Choctaw claimants she would have registered in 1837 or 1838, do you have any recollection of that? A No sir.
- Q Do you know whether she registered under the act of Congress approved August 23rd, 1842? A No sir, I don't know.
- Q If she had registered under any one of these she would have been obliged to be a resident of Mississippi? A Yes sir.

The Choctaw Indians who stayed back in that old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. His neglect caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their lands and improvements, both were taken from them by the government and sold at its public land sales. This caused a good many complaints among the Indians and in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed under an act of Congress approved August 23rd, of that year, for the same purpose, this commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians? A I don't know whether they did or not.
- Q This act of registering that you have heard of as having been done by your great grandmother, Nahomba, you have no recollection as having been done before either of these two Commissions? A No sir, I don't know anything at all about it.
- Q Only an impression in your mind as a sort of family recollection? A Yes sir, just from her people, I never visited but very little.

James Peters-----9

The records in the possession of the Commission containing the names of those persons who complied or attempted to comply with the 14th article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27th, 1830, examined, and it is not found that Nahomah signified in person or by proxy to Colonel William Ward, United States Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by acts of Congress approved March 3rd, 1837 (5 Stats., 186), and August 23rd, 1842, (5 Stats., 515.)

- Q Have you any relatives except your mother, Eliza Jane Peters, who have been before the Commission to be identified as Mississippi Choctaws? A No sir.
- Q Have you any other evidence that you want to introduce now in support of this claim? A No sir.
- Q What you want now is to have your mother's testimony and yours taken in connection, one with the other? A Yes sir, I suppose so.
- Q Do you speak or understand the Choctaw language? A No sir.

By an act of Congress approved August 23rd, 1842, scrip was issued to Choctaw Indians who proved first that they had complied with article fourteen of the treaty of 1830, and secondly that they had formerly had land in the old Choctaw Nation which the government had taken from them and sold in the old Choctaw Nation; this scrip was given to those Indians and gave them a right to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land the government had taken from them and sold.

- Q Did you ever hear that any of your Choctaw ancestors received any such scrip under that act of Congress? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark hair, almost black; brown or brown gray eyes; medium fair complexion, somewhat tanned by exposure to the sun. He does not understand or speak the Choctaw language and no knowled of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 21st day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 29 day of August, 1902.

W. H. Martin

B. C. Jones
Notary Public.

M.C.R.6163.

Muskogee, Indian Territory, September 30, 1902.

James Peters,

Atoka, Indian Territory.

Remailed. Leigh J. G. Oct. 7. 92

Dear Sir:

Receipt is hereby acknowledged of your letter of September 18th enclosing marriage certificate between James Peters and M. E. St. Clair which you offer for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws.

The same has been made a part of the record in this case and will receive consideration in the disposition of your application.

Respectfully,

Acting Chairman.

M. C. R. 6163

Muskogee, Indian Territory, January 3, 1903.

James Peters,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th ultimo, inclosing the affidavits of Charley Smith and Sam Perry, which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Cheetaws.

The same have been filed with the record in this case.

Respectfully,

Acting Chairman.

COPY

M.C.R. 6163

Muskogee, Indian Territory, February 10, 1903.

James Peters,

Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie M. Smith, et al.,	M.C.R. 6245
Mary E. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Mollie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith,

Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles W. Peters and Myrtie Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Pixby.

Acting Chairman.

Registered.

M.C.R. 6163

COPY.

Muskogee, Indian Territory, July 10, 1903.

James Peters,

Lehigh, Indian Territory.

Dear Sir:

you are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

SIGNED

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name James Peters -

Age 45 Blood 1/8

Post-Office, Lehigh, D. T.

Father: Elli Peters, l

Mother: Eliza Jane " l

Claims through mother
wifeMargaret E. Peters, w.
No claim for wife --

Children:

Laura Jane Peters, 15-

Claims for self
and daughter.

Stenographer W. N. Miller, Jr.

Choctaw MCR 6164

Mary E. Nelson

See MCR 6162

MCR 6164

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 21, 1902.

#6164

In the matter of the application of Mary E. Nelson for the identification of herself and her three minor children, Minnie, Walter, and Maudie Nelson, as Mississippi Choctaws.

Mary E. Nelson after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Nelson.
Q What is your age? A Forty-two.
Q What is your post office address? A Fort Smith, Arkansas.
Q How long have you lived there? A Twenty years.
Q Where did you live before that? A I was born and raised in Crawford County, Arkansas.
Q You have always lived in Arkansas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Ellis Peters.
Q What is your mother's name? A Eliza Jane Peters.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know hardly, I never studied much about how it would be.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q She has been before the Commission to be identified as a Mississippi Choctaw on this date has she not? A Yes sir.
Q Do you want your case consolidated with hers? A Yes sir.

The case of Eliza Jane Peters, M. C. R. 6162, is here referred to for the purpose of consolidation.

- Q Are you married? A Yes sir.
Q What is your husband's name? A Thomas Nelson.
Q Is he a white man? A Yes sir.
Q He is now living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Give me the names of your children who are under twenty-one years of age and unmarried that you want to make application for?

- A Minnie Nelson is 19.
- Q The next? A Walter Nelson, 16
- Q The next? A Maudie Nelson, is 13.
- Q You make claim, do you, for yourself and these three children? A Yes sir.
- Q Is Thomas Nelson the father of these children? A Yes sir.
- Q Are you and your husband living together as husband and wife at your home? A Yes sir.
- Q Are these children living with you there at your home? A Yes sir.
- Q Have you other children who are over age? A I have three over age.
- Q Give their present names? A Harvey Snodgrass is the oldest, I have been married twice.
- Q These are your children by Nelson? A Yes sir.
- Q What was your first husband's name? A Calvin Snodgrass.
- Q Is he dead? A Yes sir.
- Q When did he die? A He has been dead about twenty-three years.
- Q He died in Arkansas? A Yes sir.
- Q What is your son's post office address? A Fort Smith, Arkansas.
- Q Has he any children? A He has two.
- Q Can you give the names of his children? A Dewey and Millie.
- Q Now the next child of your over age? A Thomas Snodgrass.
- Q Calvin Snodgrass was his father? A Yes sir.
- Q Is he married? A Yes sir.
- Q Does he live in Fort Smith? A Yes sir.
- Q The next one? A Tennie Shoup, she is married.
- Q What is her husband's name? A John Shoup.
- Q Where do they live? A Montreal, Arkansas.
- Q Was her father your first husband, Calvin Snodgrass? A Yes sir.
- Q Have they any children? A Yes sir, one.
- Q What's her name? A Lizzie.
- Q Have these children of yours over twenty-one years of age been before the Commission to be identified as Mississippi Choctaws? A No sir.
- Q Have any of your relatives except those who have appeared today? A No sir, not that I know of.
- Q Is your name or the names of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

- Q Do you understand that article, you have heard it read and explained? A I have heard it, but I don't understand it altogether.

The object of that article fourteen which was put into the treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek was to protect the interests of Mississippi Choctaws who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified. Article fourteen is that part of the treaty of 1830 under which all Mississippi Choctaw claimants now are authorized to come before the Commission and make application similar to this application you are making today. This is the only authority by which you have a right as a claimant under the treaty of 1830 to come before the Commission and testify in this application you are now making. A treaty is a contract or compact made between Nations instead of between individuals. An article in a treaty is a section of it, a sub-division of the treaty. Before the treaty of 1830 was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, under that treaty, and because of their refusal and the desire of the government to protect their rights article fourteen was put into the treaty. This article was then incorporated in the treaty and the treaty was then signed and afterwards the treaty was ratified with the article as a part of the treaty. It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be over ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother's side.
- Q What is the name of your ancestor? A Nahomba.
- Q What relation was she to you? A My great grandmother.
- Q Did she ever live in the state of Mississippi? A I can't tell.
- Q Did you ever hear that Nahomba lived in that portion of the old Choctaw Nation which lay in Mississippi? A I don't know.

Mary E Nelson—4

- Q You must have heard that when you heard your mother testify this morning? A I have heard them talk about it a heap.
- Q Did you ever hear your mother say before today that Nahomba, your great grandmother, lived in the state of Mississippi? A I don't remember whether she said where she lived?
- Q Have you heard her say so today? A Yes sir.
- Q And this is the first time you have ever heard her say so? A If she did I don't remember, only just about the name of her people, I never seen any of her people much no way.
- Q You can not testify then that you ever heard your mother say except today that Nahomba, her grandmother, your great grandmother, lived in the state of Mississippi? A I don't remember where she said they lived only just the name.
- Q What did you ever hear her say about Nahomba now with reference to this claim you are now making? A She always told me she had Indian blood on her mother's side, and she would tell me the names.
- Q Did she ever tell you that Nahomba was a full blood or a half blood or how much? A She did not know for certain how much, but just knew she was Indian, just guessed I suppose.
- Q You don't know anything about her yourself? A No sir, I never saw any of them but one or two of her sisters.
- Q And have you given all the information that you possibly can? A All I know, yes sir.
- Q You say you have seen one or two of your mother's sisters, do you mean your mother's sisters? A My mother here.
- Q Did you ever see her sisters? A Yes sir, her two sisters.
- Q Now you say you did know your mother's sisters, your aunts? A Yes sir.
- Q Were they older than your mother? A Younger, one. One is living.
- Q What is the name of your aunt that is living now? A Becky Ferguson.
- Q Where does she live? A Some where in Crawford County, Arkansas, I don't know just where she lives.
- Q Is she married? A Yes sir.
- Q How much older than your mother is she? A I don't know, she is younger I think.
- Q And the other sister is dead is she? A Yes sir.
- Q What was her name? A Nancy Shoup, she is older than ma here.
- Q Where did she live last? A In Arkansas and died there.
- Q What part of Arkansas? A Crawford County.
- Q Has she children living? A I don't know whether any of them are living or not.
- Q Did any of these aunts tell you anything about their grandmother Nahomba? A No sir, I never heard them speak anything about it.
- Q Did Nahomba have any other name? A She married Cornelius.
- Q Do you know his Christian name? A No sir.
- Q Was he a white man? A I suppose so.
- Q How much Choctaw blood did your mother say Nahomba had? A I don't know whether I ever heard her say, full blood she thought, I think.
- Q I understood you to say a little while ago that your mother did not know how much Choctaw blood her grandmother had? A I don't know whether she knew or not.
- Q Are you sure that your mother told you that Nahomba was a full blood Choctaw Indian? A Yes sir.
- Q A little while ago you were not sure about it, you are sure about it now are you? A Yes sir, that's what she said.
- Q Did your mother ever tell you that Nahomba was a full blood

- Choctaw Indian or did she not? A Yes she said she was.
- Q A little while ago you said she was not sure about the quantity, now you say she was sure and told you she was a full blood?
- A Yes sir.
- Q Now, how old would Nahomba be if she were living at the present time? A I don't know just how old she would be, way up in 90 or some where along there, I can't tell you.
- Q Do you know if she was born in Mississippi in what was known as the old Choctaw Nation? A No sir.
- Q Do you know when and where she died? A No sir.
- Q Do you know what portion of her life she lived in Mississippi or Alabama in the old Choctaw Nation? A No sir.
- Q Can you testify that she lived in the old Choctaw Nation in 1830, and was the head of a family there then? A I can't tell.
- Q Nahomba married Cornelius, you don't know his Christian name? A No sir.
- Q Did they have a daughter named Margaret? A Yes sir, who married Jacob Sinclair.
- Q Did Margaret have Choctaw blood? A Yes sir.
- Q And did her husband, Jacob Sinclair, have Choctaw blood? A They say so.
- Q Do you know whether Margaret lived in the old Choctaw Nation in Mississippi or not? A Only what my mother said.
- Q What did she tell you? A That she lived there this time.
- Q How old would Margaret be if living now? A About in 80 or somewhere upwards of that I suppose.
- Q Do you know whether Margaret lived in Mississippi in the year 1830 and had a family of children there then? A No sir, I don't.
- Q Do you know whether she was a little girl living in Mississippi in 1830? A No sir, I don't know, I suppose so. She lived there some time in her childhood.
- Q Have you any idea how old Margaret would be if living now from what you have heard your mother say? A She would be up in 90 somewhere in there, of course I guess at it, I don't know how old she would be.
- Q How long ago did Margaret die? A I don't remember, I suppose from my mother it would be 40 or more years. I don't remember for certain.
- Q From what you have heard your mother say and what you know of the age of Margaret or what would have been her age if living now can you say whether or not she was married and living in Mississippi in the old Choctaw Nation in 1830 and had children there then? A I can't say.
- Q Can you say that her mother, Nahomba, was living in the old Choctaw Nation in 1830 and had a family of children there then? A I suppose she was.
- Q Do you know it? A I don't know it.
- Q What makes you think so? A Well, I have heard them say that she lived there sometime in her life.
- Q Did you ever hear anybody say that Nahomba lived there in 1830 and had a family living there then? A No sir.
- Q Did you ever hear anybody say that either Nahomba or her daughter, Margaret, lived in that old Choctaw Nation in 1830 and complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q Did Nahomba or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to Colonel Ward, United States Indian Agent, and tell him that they wanted

to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of them comply with article fourteen of the treaty of 1830? A I don't know that,

Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know.

Q Did any of them own any land or claim any land or any benefits under article fourteen of the treaty of 1830 in that old Choctaw Nation? A Not that I know of.

Q Did any of them to your knowledge live in that old Choctaw Nation in 1830 or 1831 and have a family there then and complied with article fourteen of the treaty of 1830? A I can't tell.

The Choctaw Indians who lived in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell in that they wanted to stay in Mississippi take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward, the Agent, neglected to put upon his list known as Ward's register. This neglect caused a good many Choctaw Indians who had land in Mississippi upon which they had improvements to lose both land and improvements, both were taken from them by the government and sold at its public land sales. This caused a good many complaints among the Indians, and in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. These two Commissions after hearing all claimants that came before them respectively made lists of the names of those who appeared, which lists were forwarded to the proper authorities in Washington.

Q Do you know whether any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did you ever hear that any of your Choctaw ancestors received any of this scrip from the government under this act of Congress? A No sir.

Q Is there anything further that you want to say now in support of this claim? A No sir.

Q Have you any witnesses you want to call now? A No sir.

Q Would you like a little time in which to introduce evidence in this case? A I don't know.

Mary E Nelson-----7

Q You have no attorney, have you? A No sir.

This applicant not being represented by an attorney and not having been advised as to her rights under the treaty of 1830 or under article fourteen of that treaty is granted 30 days time in which to make further investigation of her claim and to introduce other testimony if desired in support of this application which she makes for herself and her minor children.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, brown eyes, medium fair complexion; she does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 21st day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes of the same.

W. H. Martin

Subscribed and sworn to before me this 29th day of August, 1902.

B. C. Jones
Notary Public.

COPY.

M.C.R. 6164

Muskogee, Indian Territory, February 10, 1903.

Mary E. Nelson,
Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie M. Smith, et al.,	M.C.R. 6245
Mary E. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 28, 1892 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith, Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles

-2-

W. Peters and Myrtie Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamc Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, July 10, 1903.

Mary E. Nelson,

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

AUG 21 1902

Name Mary E. Nelson,

Age 42 Blood, don't know.

Post-Office, Fort Smith, Ark.

Father: Ellis Peters l.

Mother: Eliza Jane " l.

Claims through mother

husband (2)

Thomas Nelson, w. l.

No claim for husband

husband (1)

Calvin Snodgrass, (d)

Children:

Minnie Nelson 19

Walter " 16

Maudie " 13

Claims for self &
& minors

Choctaw MCR 616 No. 6165

Charles W. Peters ^{21st} Peters

See MCR 6162 652

MCR 6165

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 21, 1902.

#3163

In the matter of the application of Charles W. Peters for the identification of himself and his minor child, Myrtie Isabel Peters, as Mississippi Choctaws.

Charles W. Peters being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Charles W. Peters.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Mountainburg, Arkansas.
Q How long have you lived in Arkansas? A Born and raised there.
Q Always lived there? A Most all my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Ellis Peters.
Q What is the name of your mother? A Eliza Jane Peters.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A I just don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lottie Ann Peters.
Q Is she a white woman and living? A Yes sir.
Q Do you make any claim for her as a Choctaw Indian? A No sir.
Q What is the name of your child you want to make application for? A Myrtie Isabel Peters.
Q Is that all you want to make application for? A Yes sir.
Q What is the age of Myrtie Isabel? A Eight years old.
Q You claim just for yourself and this child? A Yes sir.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Is Lottie Ann Peters the mother of Myrtie? A Yes sir.
Q Are you and your wife living together as husband and wife? A Yes sir.

Charles W. Peters-----3

- Q And this child living with you at your home? A Yes sir.
Q When and where were you married to your wife, Lottie? A
Crawford County, Arkansas.
Q What town? A I don't know whether it was a town or not.
Q Do you remember the exact day of the month and year? A '93,
December 11 I believe.
Q By a minister under a license? A Yes sir.
Q Have you the proof of your marriage with you? A Not with me.
Q Have you an attorney? A No sir.
Q Have you been advised as to your rights by any person previous
to this application? A No sir.
Q You knew nothing about the law or the treaty of 1830? A No
sir.

This applicant is allowed 30 days time from the date hereof
in which to introduce other testimony and proof in this case,
also the proof of his marriage to his wife, Lottie Ann Peters,
he having no attorney and not having been advised of his rights
previous to this application made by him on this date.

- Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Terri-
tory for yourself and child? A No sir.
Q Have you ever made application for yourself and child for
citizenship in the Choctaw Nation to the Dawes Commission
under the act of Congress of June 10, 1896? A No sir.
Q Have you or your child ever been admitted to citizenship in
the Choctaw Nation by the Choctaw tribal authorities, the Com-
mission to the Five Civilized Tribes, or the United States
Court in the Indian Territory? A No sir.
Q Have you ever made application before this time for yourself
and child to either the Choctaw tribal authorities or the
authorities of the United States to be admitted or enrolled
as citizens of the Choctaw Nation? A No sir.
Q Do you now come before the Commission to be identified as a
Mississippi Choctaw for yourself and child under article four-
teen of the treaty of 1830? A Yes sir.
Q Do you understand that article fourteen of that treaty? A No,
I don't know that I understand it.
Q You have heard it explained and read three times have you not?
A Yes sir, I have heard it.
Q Don't you get some idea of it by this time? A A little bit.
Q What do you consider now to have been the purpose of the treaty
of 1830? A Why, I don't know, I don't understand that.
Q You know what a treaty is don't you? A Why, I don't know
that I do exactly.
Q You know that it is a contract or compact made between two na-
tions don't you? A Yes sir.
Q If the Choctaw Indians signed that treaty of 1830 through their
representatives they agreed to do something did they not?
A I suppose so.
Q What did they agree to do? A I don't know.
Q They agreed to go from that old Choctaw Nation east of the
Mississippi river to the Choctaw Nation Indian Territory, do
you understand that? A Yes sir I reckon I do.
Q They signed that treaty for that purpose, it was made for the

purpose of removing those Indians in 1830 at a place called Dancing Rabbit Creek in Mississippi; it was signed on the 27th day of September of the year 1830, and later on was ratified on the 24th day of February, 1831; do you understand that all of the Indians ~~went~~ went to the Indian Territory under that treaty or only a part of them? A I don't know I suppose only a part of them.

Q And because only a part of them went before the treaty was signed article fourteen was put into it in order to protect the interests of those Indians who did not go,- you understand that do you not? A Yes sir.

Q And those Indians who did not go to the Indian Territory under the treaty, but who claimed rights under article fourteen of that treaty were required to do certain things if they afterwards wanted to become citizens of the Choctaw Nation Indian Territory; what article fourteen required of them was that if they stayed there in Mississippi, take land and become citizens of the states they must go to the United States Indian Agent within six months after the ratification of the treaty and tell him of their intention to do that;- you understand that? A Yes sir.

Now if they did that under article fourteen they might afterwards go to the Indian Territory, to the Choctaw Nation, and be admitted as citizens into that Nation and have all the rights of the other Indians except that they could not share in the annuities or money payments made to each individual member of the Choctaw tribe of Indians along from year to year by the government for a period of time until they become established in the new Choctaw Nation; this the Mississippi Choctaw could not receive under article fourteen of that treaty. The article itself reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now do you not? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I don't know nothing about it.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nahomba.
- Q Is that an Indian name? A I suppose it is, I don't know.
- Q What relation was she to you? A My great grandmother.

Charles W Peters-----4

- Q How much Choctaw blood did she have? A I can't say about that.
- Q Did you ever hear about that? A I suppose she was a full blood.
- Q What makes you think she was a full blood? A By what I have heard my people, my mother say.
- Q Anybody else except your mother tell you so? A No sir.
- Q How old would Nahomba be if living now? A I can't tell you that, I suppose into 90 maybe, something like that.
- Q Do you know if she was born in Mississippi or Alabama? A No sir.
- Q Do you know when and where she died? A No sir.
- Q Do you know if she ever lived in the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q Did you ever hear that she lived in Mississippi in the old Choctaw Nation? A No sir.
- Q You heard your mother testify today did you? A Yes sir.
- Q What did she say about Nahomba living in the state of Mississippi? A I don't remember now what she did say.

Now, the Commission will advise you in reference to your rights as a Mississippi Choctaw claimant, that it is necessary for you, as well as all Mississippi Choctaw claimants, to show that they had, first, an ancestor who had Choctaw blood; you have endeavored to give your testimony to the Commission by stating that you are descended from Nahomba, your great grandmother, whom you have heard in the family had Choctaw blood, that is the first step, and secondly, you must show if you can through whatever evidence you may be able to introduce before the Commission that this great grandmother, Nahomba, who had Choctaw blood was a Mississippi Choctaw. In order to be a so-called Mississippi Choctaw she had to live in that old Choctaw Nation which was partly in Mississippi and partly in Alabama; it is very necessary to show that she lived there in 1830 and had a family of children living there then and was the head of a family; and then it is necessary to show that having Choctaw blood and living in 1830 in Mississippi or Alabama that this ancestor complied or attempted to comply with article fourteen of the treaty of 1830.

- Q Now do you know whether Nahomba lived in the state of Mississippi or in Alabama in that portion of either state which formed the old Choctaw Nation in 1830; you said you don't know, but you have sat here and heard your mother testify that she lived in Mississippi, did you hear her say that? A I believe I did. I did not thoroughly understand it all.
- Q You understood me when I asked the question: "Did Nahomba live in Mississippi", and your mother answered: "Yes that is my understanding", did you hear that question and answer? A I believe I did.
- Q Do you know whether you did or not, it has only been a few minutes ago, it was within an hour and a half, I want you to say whether you heard her say that or not? A I won't say whether I did or not.
- Q Then are you positive that you never heard your mother say previous to today that her grandmother, Nahomba, ever lived

Charles W Peters-----8

- in Mississippi? A No sir, I don't believe I ever did.
- Q Nahomba had a son, do you remember his name? A No sir.
- Q Your mother's father was Sinclair, what was his first name? A Jacob.
- Q He was what relation to you? A My grandfather.
- Q Did you ever hear that Nahomba was his mother? A No sir.
- Q Did you ever hear that your great grandmother, Nahomba, lived in Mississippi in 1830? A I suppose from what my mother said here.
- Q All you know is what you have heard your mother say? A Yes sir.
- Q Do you know whether she lived in that old Choctaw Nation in 1830 and had a family of children there at that time? A No sir, I don't know.
- Q Did you ever hear that Nahomba had a daughter named Margaret? A I heard my mother say it today here.
- Q That Nahomba had a daughter named Margaret, whom did she marry? A Jacob Sinclair.
- Q Was he a white man or Choctaw Indian? Q What I have heard them talk here is all I know of him, what I have heard before I supposed he was a white man.
- Q Is what you knew about Nahomba what you have heard your mother say today, or have you heard your mother say something about Nahomba previous to today? A Yes sir, I have heard something before today.
- Q Did you hear her say today that the daughter, Margaret, lived in Mississippi? A I think she did.
- Q What do you know about your great grandmother, Nahomba, having a daughter whose name was Margaret? A Nothing only what I have heard my mother say.
- Q When did you hear her say it, today or some other time? A Several times before.
- Q What did she say about it? Q She said she had a daughter named Margaret.
- Q Whom did Margaret marry? A Sinclair.
- Q Full name? A Jacob Sinclair.
- Q Did Jacob Sinclair ever live in Mississippi? A I don't know.
- Q Did Margaret ever live in Mississippi? A I suppose she must have lived there, I just simply don't know.
- Q Did you ever hear your mother say that Margaret the daughter of Nahomba lived in Mississippi? A I think I have.
- Q Did you ever hear your mother say that she lived there in 1830? A Yes sir, I believe I heard her say it a while ago.
- Q While she was testifying? A Yes sir.
- Q Do you know whether Margaret the daughter of Nahomba complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't know whether she did or not.
- Q Do you know where she lived during her married life? A No sir.
- Q Do you know when she was married? A No sir.
- Q What was the name of her husband? A Jacob Sinclair.
- Q You never heard that they lived in Mississippi? A No sir.
- Q How much Choctaw blood did he have if any? A I don't know.
- Q Did he have any? A I can't say about that. A I never seen him.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes sir, I think so.
- Q What makes you think so? A That's what my mother said.
- Q Did you hear your mother say they owned improvements on land in Mississippi in 1830? A I believe she said so to the best of my knowledge.

Charles W Peters-----5

- Q When did you hear her say so? A I believe she said it here today.
- Q That they owned improvements on land in Mississippi in 1830? A I think so.
- Q Who of your ancestors owned improvements on land in Mississippi in 1830? A I don't know.
- Q Did she say who? A I don't think she did.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't think they did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed back there in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do this caused a good many Choctaw Indians who lived in that old Nation and had land there upon which they had improvements to lose both land and improvements, the government took both from them and sold them at its public land sales. The Indians made a good many complaints because of this action of the government so that in 1837 on account of these complaints that were made a Commission was appointed by an act of Congress approved March 3rd, 1837. Another Commission was appointed under an act of Congress approved August 23rd, 1842. These two Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land formerly held in the old Choctaw Nation? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842, and was given to those Indians who proved their rights under article fourteen and also proved that their

Charles W Peters-----7

land had been taken from them by the government and sold in the old Choctaw Nation.

The records in the possession of the Commission containing the names of those persons who complied or attempted to comply with the 14th article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27th, 1830, examined, and it is not found that Nahomba signified in person or by proxy to Colonel William Ward, United States Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by acts of congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

- Q Have you any other evidence that you want to introduce in support of this claim? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes and hair, medium fair complexion; he does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 21st day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of September, 1902.

B. C. Jones
Notary Public.

COPY.

M.C.R. 6165

Muskogee, Indian Territory, February 10, 1903.

Charles W. Peters,
Mountainburg, Arkansas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie M. Smith, et al.,	M.C.R. 6245
Mary E. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith, Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles W. Peters

and Myrtle Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Jane Dixby.

Acting Chairman.

Registered.

M C.R. 6165

COPY.

Muskogee, Indian Territory, July 10, 1903.

Charles W. Peters,
Mountainburg, Arkansas.

Dear Sir:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name Charles W. Peters -

Age 29 - Blood Ant Know,

Post-Office, Mountainburg, Ark.

Father: Ellis Peters, l

Mother: Eliza Jane " l

Claims through mother

wife.

Lottie Ann Peters, w. l

No claim for wife.

Children:

Myrtie Isabel Peters, 8

Claims for self
and child

Stenographer W. H. Martin.

Choctaw MCR 6166

John L. Peters

See MCR 6162

MCR 6166

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 21, 1902.

#156.

In the matter of the application of John L. Peters for the identification of himself as a Mississippi Choctaw.

John L. Peters being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John L. Peters.
- Q What is your age? A Twenty-four.
- Q What is your post office address? A Lehigh, Indian Territory.
- Q How long have you lived there? A Three years.
- Q Where did you live before that? A In the Chickasaw Nation, Indian Territory.
- Q How long have you lived altogether in the Indian Territory? A About 19 years.
- Q Where were you born? A Fannin County, Texas.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is your father's name? A James Peters.
- Q Has he made application to be identified as a Mississippi Choctaw on this date? A Yes sir.
- Q And other relatives of yours also? A Yes sir.
- Q Are these the only relatives to your knowledge that have appeared before the Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q Would you like to have your case consolidated with the case of your father? A Yes sir.

The case of James Peters, et al., N. O. R. 6163, is here referred to for the purpose of consolidation.

- Q What is your mother's name? A Margaret E. Peters.
- Q Through which parent do you claim Choctaw blood? A My father I guess.
- Q How much Choctaw blood do you claim? A Something like a sixteenth I suppose.
- Q Has your father ever been recognized or enrolled as a member

of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q Are you married? A No sir.

Q Do you claim for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Is this your first application of any kind? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q You have heard that treaty explained four or five times today? A Yes sir.

Q Do you think you understand it now? A Yes sir.

Q Do you care to have any further explanation or just a reading of it? A Reading I reckon will do.

Article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that do you? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nahomba I suppose.

Q What relation was she to you? A A great great grandmother I suppose, my father's great grandmother.

Q She would be your great great grandmother? A Yes sir I suppose so.

Q How much Choctaw blood did she have? A I suppose she was a full blood.

Q When did she marry? A Cornelius I believe.

- Q Was that the Christian or surname? A Surname.
- Q Do you know his Christian name? A No sir.
- Q Was he a white man or Indian? A I can't say.
- Q Did Nahomba, your great great grandmother, live in Mississippi at any time? A I suppose she did.
- Q Do you get that from any members of your family? A From what my grandmother said this morning.
- Q Have you ever heard her say that before this morning? A I have heard her state she was Indian blood, but never heard her say where she lived.
- Q Was today the first time you ever heard her say that Nahomba lived in Mississippi? A Yes sir.
- Q Do you know whether she had a daughter Margaret who married Jacob Sinclair? A Yes sir.
- Q Did you ever hear that Margaret lived in Mississippi? A No sir.
- Q Was Jacob Sinclair a white man or Indian? A I can't say.
- Q Did your great great grandmother, Nahomba, speak the Choctaw language? A I can't say.
- Q Do you know when and where she was born? A No sir.
- Q When and where she died? A No sir.
- Q Did she live in Mississippi in 1830? A I can't say.
- Q Do you know whether she or any other Choctaw ancestor lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family there then? A I don't know that they did.
- Q You never heard that Nahomba was married and was the head of a family there in 1830? A No, only what my grandmother said this morning.
- Q This is the first time you ever heard it? A Yes sir.
- Q And you don't know anything further than what she said? A No sir, only just knew the blood was in the family, didn't know how.
- Q Do you know of the existence of any records anywhere that would show that you had a Choctaw Indian ancestor who lived in that old Choctaw Nation in Mississippi in 1830 and complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't know of any.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830 or 1831? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know whether they did or not.

The Indians who lived in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many did this whose names Colonel Ward

John L. Peters-----4

neglected to put upon his list known as Ward's Register. Because of the neglect to do this a great many Indians who had land in the old Choctaw Nation upon which they had improvements had it taken from them by the government together with the improvements upon it and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed to go to Mississippi and hear these claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year. These Commissions went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either one of these two Commissions and claimed any benefits as Choctaw Indians? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Louisiana or Alabama or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Indians who proved their rights under article fourteen, and also proved that their land had been taken from them in the old Choctaw Nation by the government and sold.

- Q Have you any evidence you want to present to the Commission now? A No sir not today.
- Q Is there anything further you want to say now in support of this claim? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you want any time extended to you in order to further prepare this case before it is submitted to the Commission for final action? A I guess so.
- Q You have no attorney? A No sir.
- Q Did you ever hear of article fourteen before today when it was explained to you? A I have heard of it.
- Q Did you ever know anything about it? A No sir, never knew a thing about it.

This applicant having no attorney and not having been instructed in the requirements of proof under article fourteen of the treaty of 1830 is allowed thirty days time from the date hereof in which to introduce other proof in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, blue eyes, large reddish mustache, medium fair complexion; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

John L. Peters-----5

recorded in full the above proceedings on the 21st day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. B. Jones

Subscribed and sworn to before me this 6 day of September, 1902.

W. B. Jones
Notary Public.

Muskogee, Indian Territory, February 10, 1903.

John L. Peters,
Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.P. 5244
Mattie M. Smith, et al.,	M.C.R. 6245
Mary W. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith,

Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles W. Peters and Myrtle Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, July 10, 1903.

John L. Peters,

Lehigh, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name John L. Peters,

Age 24 Blood 1/16

Post-Office, Lehigh, D. T.

Father: James Peters, l

Mother: Margaret E. " l.

Claims through father - -

Children:

Claims for sep
alone

Stenographer W. H. Martin -

Choctaw MCR 6167

William E. Peters

See MCR 6162

MCR 6167

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 21, 1902.

#6167.

In the matter of the application of William Ellis Peters
for the identification of himself as a Mississippi Choctaw.

William Ellis Peters being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A William Ellis Peters.
Q What is your age? A Twenty-two.
Q What is your post office address? A Lehigh, Indian Territory.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James Peters.
Q What is your mother's name? A Margaret E. Peters.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-sixteenth I guess.
Q Has your father ever been recognized in any way or enrolled by
the Choctaw tribal authorities or the United States authori-
ties as a member of the Choctaw tribe of Indians in the Indian
Territory? A No sir.
Q Has he on this date made application to the Commission to be
identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have your case consolidated with his? A Yes
sir.
Q And also with the other relatives that are before the Commission
today? A Yes sir.

The case of James Peters, et al., M O R 6163, is here
referred to for the purpose of consolidation.

- Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Have you the proof of the marriage of your father and mother
with you? A No sir, not here.
Q Do you know when they were married? Q No sir, I can't say.
Q Do you know where they were married? A In Texas.

- Q By a minister under a license? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever before this time sought to become enrolled as a member of the Choctaw tribe of Indians by making application to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Is this your first application? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article all right? A I guess part of it.
- Q Do you want it explained further or do you think you understand it? A I think I understand it as well as I would if it were explained further.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830; do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, I can't call the name,--- Nahomba.
- Q What relation was Nahomba to you? A I guess my great great grandmother.
- Q You guess she was, you are here to tell what you know and not what you guess? A She was my father's great grandmother.
- Q She was your father's great grandmother was she? A Yes sir.

William Ellis Peters-----3

- Q How much Choctaw blood did she have if any? A A full blood I suppose?
- Q I have stated to you before that I did not want any supposition? A I was told she was a full blood.
- Q How do you know she was a full blood Choctaw Indian? A My grandmother said she was.
- Q What is your grandmother's name? A Margaret Peters.
- Q Did she make application today to be identified as a Mississippi Choctaw? A Yes sir.
- Q No one by the name of Margaret Peters made application today; do you mean this lady here? A Yes sir.
- Q Is that your grandmother? A Yes sir.
- Q Is her name Margaret Peters? A No, that ain't her name.
- Q Do you know her name,-- do you know your grandmother's name? A I have forgot her name.
- Q Do you mean to say that you know your great great grandmother's name and don't know your grandmother's name? What is your father's mother's name? A I don't know now.
- Q What was your father's grandfather's and grandmother's name? A My father,-- Ellis was grand father's name.
- Q Your great grandfather and great grandmother's name? A I don't know.
- Q What is the name of your great great grandmother? A I don't know the given name.
- Q What is the surname? A Nahomba.
- Q When did you first learn that? A Today.
- Q Who did you learn it from? A Grandmother.
- Q What is your grandmother's name? A I don't know unless it is Eliza,-- it was not that though I know,-- that is part of it. I don't know the rest of it.
- Q When did you see your grandmother last? A It has been a good while ago.
- Q How long ago? A I haven't seen her for about 8 or 9 years ago.
- Q Your grandmother's name is Eliza Jane Peters then is it not, how did it happen that you could not think of the name at first? A It got out of my mind and I couldn't think of it.
- Q How old is your grandmother now? A About 60 years old.
- Q Did your grandmother ever live in the state of Mississippi? A I don't think she did.
- Q Don't you know that she never did live in the state of Mississippi? A No, she never did.
- Q Did you hear her testify here a little while ago? A Yes sir.
- Q Did you hear her say that she ever lived in Mississippi? A No sir.
- Q Did you hear her say that she did not live in Mississippi? A Yes sir.
- Q Then you can swear positively from what you have heard that she never lived in Mississippi can you? A I heard her say she never.
- Q What was her father's name? A Sinclair, Jacob Sinclair.
- Q What was her mother's name? A I don't know her mother's name.
- Q Does she claim her Choctaw blood through her father or mother? A Mother.
- Q Can you think of her mother's name, Jacob Sinclair's wife? A I never did see her, don't know anything about her.
- Q Jacob Sinclair's wife was the daughter of whom? A Cornelius.
- Q And who else? What was Cornelius' wife's name? A Nahomba.
- Q Was that your great great grandmother? A Yes sir.
- Q Now did you ever hear that Nahomba lived in the state of Mississippi in what was known as the old Choctaw Nation in 1830? A Yes sir.

- Q Was she married at that time, did you ever hear so? A I don't know, I guess she was.
- Q I want to know from what you have heard in your family? A Yes sir she was married.
- Q How do you know she was married and living in Mississippi in 1830? A Grandma said she was.
- Q Did she have children living there then? A I don't know.
- Q Do you know whether she or any of your Choctaw ancestors lived in Mississippi in what was known as the old Choctaw Nation in 1830 and was married and was the head of a family there at that time? A Only what grandmother said.
- Q Did you hear her say so? A I think I did.
- Q Do you know whether you did or not? A I heard her say Nahomba lived there at that time.
- Q Do you know whether you heard her say that she lived there in 1830 and was the head of a family there then? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in that old Choctaw Nation which was partly in Mississippi and partly in Alabama under article fourteen of the treaty of 1830? A I don't know whether they did or not.

The Indians who stayed back there in that old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". His failure to do so caused a good many Indians who had land in that old Choctaw Nation upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. All the Indians complained of this action of the government so that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed and this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir.

William Ellis Peters-----5

- Q Did you ever hear of any of your Choctaw ancestors receiving any scrip from the government that entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas. A No sir.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who not only proved their rights under article fourteen but also that their land had been taken from them in the old Choctaw Nation and sold.

- Q Have you any other evidence that you want to introduce now? A No sir.
Q Do you speak the Choctaw language or understand it? A No sir.
Q Is there anything further that you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, brown hair, medium fair complexion somewhat tanned by exposure to the sun, he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 21st day of August, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of September, 1902.

B. E. Jones
Notary Public.

COPY

M.C.R. 6167

Muskogee, Indian Territory, February 10, 1903.

William E. Peters,

Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Jane Peters, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Jane Peters,	M.C.R. 6162
James Peters, et al.,	M.C.R. 6163
John L. Peters,	M.C.R. 6166
William Ellis Peters,	M.C.R. 6167
William Peters, et al.,	M.C.R. 6244
Mattie M. Smith, et al.,	M.C.R. 6245
Mary E. Nelson, et al.,	M.C.R. 6164
Charles W. Peters, et al.,	M.C.R. 6165

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Jane Peters, James Peters, Laura Jane Peters, John L. Peters, William Ellis Peters, William Peters, Bessie Peters, George Thomas Peters, Claude Peters, Mattie M. Smith, Kirby Smith, Myrtle Smith"

Mary E. Nelson, Minnie Nelson, Walter Nelson, Maudie Nelson, Charles W. Peters and Myrtle Isabel Peters as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 6167

COPY.

Muskogee, Indian Territory, July 10, 1903.

William E. Peters,

Lehigh, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Jane Peters, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 6167

For Identification as a Mississippi Choctaw.

Date

Name William E. Peters,

Age 22 - Blood 1/16

Post-Office, Lehigh, D. T.,

Father: James, Peters l

Mother: Margaret E. " l

Claims through father -

Children:

Claims for sep
dorra

Stenographer W. H. Martin,

Choctaw MCR 6168

Julia F. Brunson

See MCR 4639

MCR 6168

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 21, 1902.

In the matter of the application of Julia F. Brunson
for identification as a Mississippi Choctaw.

Applicant represented by W.N. Redwine, Attorney at Law.
Julia F. Brunson being duly sworn testified as follows:
Examination by the Commission:

- Q What is your name? A Julia F. Brunson.
Q What is your age? A My age is sixty five.
Q What is your post office address? A Rossier, Alabama.
Q How long have you lived at Rossier? A Lived there all my life.
Q Is your father living? A No sir.
Q Is your mother living? A No sir; she's not living.
Q What was your father's name? A His name was Little Woodall.
Q W-e-e-d-all? A Yes sir.
Q What was your mother's name? A My mother's name was Mary Giles.
Q Was that her maiden name? A Mary G. Woodall, was her name.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A From my mother?
Q Yes. A One quarter.
Q You claim one quarter yourself? A No sir one eighth.
Q How many times ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Is your husband living now? A Yes sir; he's living.
Q Is this your first husband? A Yes sir.
Q What is his name? A George K. Brunson.
Q Is he a Choctaw Indian? A No sir.
Q He's a white man is he? A He's a white man.
Q You make no claim for him as a Choctaw? A No sir.
Q Are you making application for yourself alone? A Yes sir.
Q Just yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir not that I know of.
Q Have you ever made application for citizenship in the Choctaw nation to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir I have not.
Q Have you before this time sought to become enrolled as a Choctaw Indian by making application to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim this right under article fourteen of the

of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q Dont care to have it explained to you any further? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at that place in Mississippi - Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of this treaty was to induce all the Choctaw Indians to voluntarily remove from the old nation east of the Mississippi river to the Choctaw nation Indian territory; before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian territory and in order to protect the interest of those Indians who stayed back there in that old Choctaw nation article fourteen was put into the treaty of 1830; article fourteen is the article under which you are now making this application to be identified as a Mississippi Choctaw and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by so many lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of a family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Yes sir I think that my grandfather did.

Q Who do you think did? A My grandfather.

Q What was your grandfather's name? A John Walker.

Q Was he a white man or Indian? A I do not know but I guess he's a white man.

Q What was his wife's name? A Mary Frances Walker.

Q Did she have any Choctaw blood? A Yes sir; that's what they say.

Q How much Choctaw blood did she have? A One half.

Q Did John Walker and his wife Mary Frances Walker live in the state of Mississippi? A Yes sir.

Q Do you know when they lived there? A No sir I dont recollect anything about that.

Q Is there any history or tradition in your family that you can recall by which you could be able to testify as to the time of their residence in either John Walker or his wife Mary Frances Walker in the state of Mississippi? A My sister can tell more about it than I can; she's here; she's older than me.

Q You yourself dont know? A No sir I was too young.

Q Did you ever hear that John Walker or Mary Frances Walker

J F Brunson 3.

- lived in Mississipp in 1830 in what was known as the old Choctaw Choctaw Nation and complied with article fourteen of the treaty of 1830? A Yes sir; that's what I heard.
- Q Now which complied with article fourteen if you knew or did both comply? A I think it was grandfather.
- Q Do you mean John Walker? A Yes sir.
- Q Was he your grandfather? A Yes sir.
- Q And you think he complied with the provisions of article fourteen of the treaty of 1830? A Yes sir.
- Q What is the ground of your belief that he did; what is the basis upon which you go when you state that John Walker complied with article fourteen of the treaty of 1830?
- A I've heard my mother speak of it and I've heard several speak of it and my grandmother.
- Q Your mother is now dead is she? A Yes sir she's dead.
- Q And you say you have heard your grandmother say so? A No sir; I didn't hear her; I heard she did say so; sister said she did.
- Q That's something you don't know about except what you have heard about it? A Yes sir; I was too young; I knew my grandmother but I was small.
- Q How old would your mother be if living now? A I can't tell that; you see the record -- I haven't got it.
- Q When did she die? A She died in 1865.
- Q How old was she when she died? A I can't tell that because I haven't the record.
- Q How old were you at the time of her death? A Well I believe I was about twenty one or two. No I was older than that; I don't recollect.
- Q You must know whether she was an old woman or middle aged woman when she died in 1865? A She was sixty five years old when she died.
- Q And she died in '65? A Yes sir.
- Q 1865? A Yes sir.
- Q And was sixty five years old; therefore she was born in the year 1800 was she? A Yes sir I believe so.
- Q If she died in '65 and was sixty five years old when she died she would have been born in the year 1800?
- A Yes sir.
- Q Is that right? A My mother was born in 1816; I got it mixed up.
- Q Then you are not quite right about these facts? A No sir she was born in 1816.
- Q Where was she born? A She was born in Green County I think.
- Q In what state? A In Alabama as well as I know.
- Q Therefore in the year 1830 she would have been fourteen years old? A Yes sir.
- Q Was she married at that age? A She was married in 1834.
- Q She could not then have lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and have been married at that time could she? A I don't know sir.
- Q She couldn't have been married in 1830 if she was married in 1834? A She was born in 1816 and married in 1834.
- Q Did she live in either Mississippi or Alabama in 1830 in what was known as the old Choctaw Nation? A I do not know; I was quite small.
- Q When she married she married a man by what name? A Woodall.
- Q Was she living in Mississippi or Alabama in 1830? A I do not know.
- Q What was her father's name? A Her father was named John Walker.
- Q Her name was Walker was it? A Yes sir.
- Q What was her mother's maiden name? A Chambliss.
- Q Could you spell that? A I think it's C-h-a-m-b-l-i-s-s.
- Q Mary Frances Chambliss? A Yes sir.

- Q You think Mary Frances Walker nee Chambliss lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and at that time was married and had a family of children living? A Well I do not know that she was married; she was married in Greensboro and I think she stayed there several years and then moved over the river some where.
- Q Do you know where John Walker was born? A No sir.
- Q Do you know when he was born? A No sir.
- Q Do you know whether he was a white man or not? A No sir; I reckon he was though.
- Q And he was your grandfather? A Yes sir.
- Q And he married Mary Frances Chambliss? A Yes sir.
- Q Do you know when she was born? A No sir.
- Q Do you know where she was born? A No sir I dont know; the record is lost.
- Q Do you know when and where she died? A Yes sir she died in Mississippi?
- Q Do you know where in Mississippi she died? A In Sunfl over County in Sunflower river.
- Q How old would she be if living now - Mary Frances Walker.
- A I dont know; I cant tell you; I have nothing to go back to.
- Q Do you know how many years she lived in Mississippi? A I expect she lived there six or seven or eight years; I dont know for certain.
- Q Do you know what portion of her life she lived in Mississippi?
- A Her last days.
- Q When she was an old woman? A Yes sir.
- Q Do you know whether she lived there seventy two years ago?
- A Yes I guess she lived there.
- Q Do you know she did? A I dont remember.
- Q You have no recollection whether Mary frances Chambliss who married John Walker lived in Mississippi in the old Choctaw Nation in 1830 and was married and at that time head of a family? A No sir I do not know .
- Q Do you know whether John Walker and Mary frances Walker lived in Mississippi or Alabama in the year 1830? A No sir I do not - at that time.
- Q Did you ever hear that they lived in Alabama in 1830 in Green County? A They lived in Green County but I cant tell what year.
- Q Was that in Alabama? A Yes sir.
- Q Did they own any land in Mississippi or Alabama or possess a homestead there? A Not that I know of; I think they did in Alabama in Green County.
- Q What makes you think they did in Green County Alabama; I'm talking about John Walker and Mary Frances Walker. A Yes sir they owned land there in Alabama.
- Q In green County? A Yes sir.
- Q Do you know whether they owned it in 1830? A I cant tell you whether it was in 1830 or not.
- Q Did they get it from the government? They got land over the river from the government I think.
- Q Did they get it from the government or from some individual?
- Q They got it from some individual I think.
- Q Did you ever hear that any of your Choctaw ancestors received any land or obtained any land or any interest in land from the United States government under article fourteen of the treaty of 1830? A It seems that I heard that too. That they got it through the treaty.
- Q What makes you think so? A Well I've heard my elder -- my mother and then speaking about the land; about them getting land.

- Q What did they ever say about having gotten that land from the United States government? A I don't know whether mother said anything about it but I've heard that my grandfather - he was in the treaty and that he got so much land.
- Q Who told you that your grandfather was in the treaty and got so much land? A Well I've heard it from several from whom? A Well I don't know who it was now but I've heard he got some.
- Q You don't recollect now who told you? A No sir; I've heard that but I can't recollect who told me.
- Q Did John Walker and Mary Frances Walker or either of them own improvements on land in Mississippi or Alabama in 1830? A In Alabama they did.
- Q Was that upon this land you have been testifying about? A Yes sir.
- Q How much land did they have under cultivation? A I do not know; I can't answer that question.
- Q Where was that land located? A On Bigbee River.
- Q Was that the Tom Bigbee river? A Tom Bigbee river I think; near the river.
- Q Can you tell what the improvements consisted of? A I can not.
- Q Did you ever hear that your grandfather John Walker had a mill upon that land? A Yes sir.
- Q You say he was a white man? A Yes sir he was a white man.
- Q Did he get that land upon which he had his mill from the United States government under article fourteen of the treaty of 1830? A No sir.
- Q How much Choctaw blood did you say Mary Frances Walker had? A Half Indian; they said; I've always heard.
- Q Who told you that she was a half Indian? A Well I've heard it through several; an old man told me that my mother was Indian.
- Q Do you know whether John Walker or his wife Mary Frances Walker or any other ancestor of yours within six months after the ratification of the treaty of 1830 went to the United States Indian Agent Colonel William Ward and told him they wanted to stay in Mississippi take land and become citizens of the states? A I don't know that.
- Q Did Mary Frances and her husband John Walker have any children living with them in 1830 in Alabama - that's seventy two years ago? A I do not know; I knew they had seven children but I don't know at that time.
- Q Were any of these seven children living at that time, when the treaty of Mingo Creek was ratified? A Yes sir.
- Q Who were living of them? A My mother Mary Woodall.
- Q At that time Mary Walker - her maiden name? A Mary Giles Woodall.
- Q Mary G. Walker at that time? A Yes sir.
- Q And she was living in 1830? A Yes sir.
- Q Now what other children of Mary Frances and her husband John Walker were living? A John Walker, Gouldsby Walker, James Walker, William Walker, Elizabeth Ryan and Nancy Massey.
- Q That makes seven children does it? A Yes sir that's seven children.
- Q How many boys? A Four.
- Q How many girls? A Three.

J F Brunson 6.

- Q How do you know now that she had these seven children four boys and three girls? A Well my aunts and uncles; I have seen them and my uncles too; I've seen all my uncles.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi and go to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I do not know.
- Q Is it your understanding that your grandfather John Walker received any land in the old Choctaw Nation from the United States government under article fourteen of the treaty of 1830 or that his wife Mary Frances Walker did?
- A Yes sir.
- Q Which received it; in whose name was it granted? A I don't know; I reckon it was grandfather; grandfather I think.
- Q How was it given to your grandfather who was a white man; what is your understanding as to the land; why it was given to him a white man and not to his wife an Indian? A I do not know.
- Q Did you ever hear any of the descendants of John Walker and Mary Frances Walker say anything about having lived in the old Choctaw Nation in Alabama in 1830? A No sir I never heard them speak about it.
- Q Are any of them living now; any of those children; the children of John and Mary Frances Walker? A No sir; all dead.
- Q You knew some of them pretty well didn't you? A Yes sir; I knew them; I was small but I knew them.
- Q Did you ever hear any of them say anything about their father and mother having received land from the government. Did they never talk to you about it? A No sir I was too small.
- Q How old were you when the eldest child of Mary Walker and her husband John died? A My grandfather was dead before I was born.
- Q This John Walker? A Yes sir; that's my grandfather.
- Q Was Mary Frances his wife dead before you were born?
- A No sir I was nine years old I think; I don't recollect.
- Q How did she look? A Dark I think and sallow.
- Q Did she have light hair or dark hair? A I expect she had dark hair; I think she did; her hair was becoming gray when I can recollect.
- Q What was the color of her eyes? A I don't remember that.
- Q Did she speak the Choctaw language? A I never hear her speak it.
- Q Were you about nine years old when she died? A I think I was.
- Q Did her children - some of them live a long time after her death? A Yes sir Uncle Gouldsby but he was in Mississippi.
- Q Did you ever see them after your grandmother Mary Frances Walker died? Uncles or aunts? A I haven't seen my uncles.
- Q How long since you have seen any of your uncles? A It's been a good long while; the last one of them's dead.
- Q When was the last time you saw any of them? A I hardly recollect; I will have to study; I haven't thought anything about it; it's been a good long while; I guess I was fifteen or sixteen years old.
- Q Did they ever say anything to you about being Indians?
- A No sir.
- Q Did they ever say anything to you about their father or mother having obtained land in Mississippi from the government?
- A I have heard it but I can't tell; I know I haven't heard uncle say anything about it; that's the only one I recollect anything about - Uncle Gouldsby - he lived in Mississippi and came to see us several times.

- Q Did he say anything about it? A Not that I knew of; I was small; I don't recollect.
- Q Are you yourself familiar or have you been familiar with that treaty of 1830 and article fourteen of that treaty?
- A No sir.
- Q Did you ever hear them say anything about the treaty of 1830 or article fourteen of the treaty? A No sir; if they had I didn't pay much attention to it.
- Q Do you know anything about where that old homestead was located in Green County Alabama otherwise than it was located near the Tom Bigbee River? A No sir; they said it was on the west side of the Tom Bigbee River - near the river.
- Q How much land was there in it? A I can't tell you that.
- Q In the testimony given by William A. Woodall July 12, 1902 he states in speaking of that old homestead that he understood there were about 2400 acres of land in it. Do you know anything about that? A No sir; I've heard it spoken of but I didn't inquire into it; I've heard about it but don't know how much.
- Q You don't know how many sections were comprised in it or how many fractional sections? A No sir.
- Q How long did it remain in the family? A I can't answer that either.
- Q What relation is William A. Woodall to you? A My brother.
- Q How many brothers and sisters have you? A There are five in all.
- Q How many brothers? A Only one.
- Q The rest are sisters? A Yes sir.
- Q And they all made application here to be identified as Mississippi Choctaws? A Yes sir.
- Q Will you please give us their names? A The girls are Martha Emily Lee.
- Q Where does she live? A She lives way up near New Orleans now.
- Q How many children has she? A She has four.
- Q Give them will you? A Cera Russell, Zacharias, Emma Chamberger; one's dead, Jimmie.
- Q Have they made application to be identified as Mississippi Choctaws.
- Q They have all been before the Commission have they? A No they haven't; they are going to I think.
- Q They are here now? A They have not.
- Q Where do they live? A The Chambergers?
- Q Yes.. A Sister Martha lives near New Orleans and Chamberger lives near the river and Russell lives way down near New Orleans and so does Zacharias.
- Q That is the family of your sister you first gave? A Yessir.
- Q You have given Martha Lee and her family? A Yes sir.
- Q The next is Elizabeth James? A Yes sir.
- Q What is her husband's name? A John James.
- Q Where do they live? A They are both dead.
- Q Where did they live? A They lived in Alabama a while.
- Q Have they any children? A Yes sir.
- Q Give us their names please? A Little, William, King James.
- Q The next? A That's all the children they got living.
- Q Is Little married? A Yes sir.
- Q Is that a man? A Yes sir.
- Q Can you give the name of his wife? A No sir; he's married the second time but his first wife was Martha McCam.

Q Have they any children? A Yes sir.
Q Can you give their names? A No sir.
Q Can you give the names of the children of the first wife?
A William and James and Little.
Q Can you give their post office addresses? A I don't know.
Q The next one is Melissa? A Yes sir.
Q Is she living? A No sir.
Q Is her husband living? A Yes sir her husband's living.
Q What is her husband's name? A Jefferson Lee.
Q Melissa married Jefferson Lee? A Yes sir.
Q Where is Jefferson Lee living? A Near New Orleans I believe.
Q Has he any children living there? A He has married the
second time.
Q Has he any children at all? A Yes sir; Wilton and Robert and
is Jefferson Lee's children.
Q They are before the Commission now? A Yes sir.
Q They are to make application? A Yes sir.
Q Does that finish up that family? A Yes sir.
Q Now can you give the name of any other brother and sister?
A William.
Q He's here too is he? A Yes sir.
Q He has made application has he? A Yes sir.
Q William A. Woodall? A Yes sir.
Q Does that complete all your brothers and sisters in that family?
A Yes sir.

On page 18 volume 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians against the United States government, number 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February 1831, the day the treaty was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of panning Rabbit Creek; in said list appears the name of one John Walker who seems to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age; the records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family 3 3/4 sections of land under the fourteenth article of the treaty of panning Rabbit Creek. On page 32 of the copy of the list of reservations as registered and located under the provisions of the treaty of panning Rabbit Creek by Colonel George W. Martin United States locating agent appears the name of John Walker, it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin section twenty nine, township nineteen, range one east, containing six hundred and forty one acres; fractional sections thirty, township nineteen range one east containing six hundred and eleven and seventy five one hundredths acres; section twenty eight, township nineteen range one east containing six hundred and forty acres, fractional section twenty one township nineteen range one east containing three hundred and twenty one acres; fractional section twenty township nineteen range one east containing eighty nine and

sixty one hundredths acres and the west half of the northwest quarter of section thirty-two, township nineteen range one east containing eighty acres.

- Q What evidence have you that the John Walker whose name appears upon Colonel William Ward's register and upon the register of locating agent George W. Martin is in fact your grandfather John Walker? A Yes sir.
- Q What evidence have you that these two men are the same? A Well I've heard my mother speak of my grandfather.
- Q You have heard your mother speak of your grandfather John Walker who married Mary Frances Walker but how do you know that it's the same one whose name appears upon the register I have read to you? A Well I don't.
- Q I want you to connect the two and tell me if you can that it's the same one and why you know it's the same one? A I don't think I can do it.
- Q Did you ever see this register or list known as Ward's register? A No sir.
- Q Did you ever see any list made by Colonel George W. Martin the locating agent? A No sir.
- Q Did you ever hear of William Ward? A No sir.
- Q Did you ever hear of Colonel George W. Martin? A No sir.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified - remained in Mississippi or Alabama in the old Choctaw Nation were required if they wanted to take advantage of the fourteen article of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi the land there and become citizens of the United States; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; Colonel Ward was a very negligent agent for the United States government; it is well known that his list known as Ward's register is very imperfect - very incomplete; for a great many Choctaw Indians went before him and attempted to register and did in fact register whose names he has neglected to record on his register and because of his neglect to do so a great many Indians who had land in the old Choctaw Nation were deprived of that land because it was taken from them by the government and sold at its public land sales; and this caused a great many complaints among the Indians; as a result of the complaints Congress appointed a Commission in 1837 and another Commission in 1842, the first Commission appointed under an act of Congress approved March 3 of that year and another Commission appointed under an act of Congress approved August 23, 1842; these two commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed benefits as Choctaw Indians under that article? A No sir I do not.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.
- Q Did any of your Choctaw ancestors select any land in Mississippi Alabama Louisiana or Arkansas by virtue of scrip having been given to them under act of Congress approved August 23 1842 - did you ever hear of it? A No sir I never heard that they did.

Q Have you any other evidence you want to introduce at this time
A No sir I haven't.

Q Do you speak or understand the Choctaw language?
A No sir.

Examination by Mr. Redwine, Attorney for applicant.

- Q Your mother's name you say was Mary G. Woodall? A Yes sir.
Q Maiden name Walker? A Yes sir.
Q You say she was born in 1816? A Yes sir.
Q And married I believe you stated in 1834? A She was married in 1834.
Q And she had how many brothers and sisters? A My mother?
Q Yes. A She had three brothers and three sisters.
Q How many girls were there in all? A There was four boys and three girls.
Q You stated that your grandmother Mary Frances Walker whose maiden name was Chambliss was a half breed Choctaw Indian? A Yes sir.
Q Did you ever see her? A Yes sir.
Q Where did you see her? A I saw her at our house.
Q Where did you live at that time? A We lived in Alabama.
Q What county in Alabama? A Sumpter County.
Q Is that near the line of Mississippi? A Yes sir; I don't exactly know how far.
Q Do you know whether Sumpter County joins Mississippi?
A Yes sir.
Q How old were you at that time? A Well I reckon I was eight or nine years; I can't exactly tell;
Q Was she there on a visit? A Yes sir; she stayed there at that time some years.
Q How long did she live with you? A I don't know but I expect six or seven years. She lived there amongst us.
Q Do you know how long she lived in Mississippi or whether she lived there all her life? A She died there; I don't know how long she stayed there.
Q Previous to the time she visited your father's house had she been living in Mississippi? A Yes sir; she visited us but I can't tell how long she had been in Mississippi.
Q You don't know how long she had been there? A No sir.
Q You don't know whether she was raised there or not? A No sir; she wasn't raised there. Well I don't know where she was raised.
Q You stated that she lived at your house six or seven years? A I reckon so.
Q Where did she go to live after she left there?
A Went to Mississippi.
Q To live with whom? A Gouldsby Walker.
Q Gouldsby Walker was her son was he? A Yes sir.
Q You said something a while ago in your chief examination about your grandfather and grandmother owning a place in Green County; state whether or not they owned a place also in Sumpter County? A Yes sir they owned a place in Sumpter County.
Q The place in Sumpter County - is that the place you mentioned as being the place near the Ten Bigbee river? A Yes sir.
Q Is that what is known as the Walker place? A Yes sir; they say grandfather owned the land.
Q Did you ever hear your grandmother say anything about living at that place or anything about it? A No sir.

- Q How old were you the last time you saw your Uncle Gouldsby Walker? A The last time I saw Uncle Gouldsby I was married; he visited me; I was about twenty
- Q State whether or not he could speak the Choctaw language.
- A Well I've heard him speak it; I don't know whether it was Choctaw language or not; it was something and I thought he learned it from the Indians; I don't know that; I have heard him speak it; I was a little child.
- Q Did he say it was the Choctaw language? A Yes sir I reckon he did; I think he did.
- Q How many children have you? A Eight.
- Q Are they all here today? A No sir.
- Q Will you please give the names of such of your children--
- A I will just give you the paper- you can read from the paper. (Hands Mr. Redwine paper)
- Q Thomas King Brunson? A Yes sir my son.
- Q Born August 13, 1857, aged forty five? A Yes sir that's correct.
- Q Mary K. Brunson, born November 21, 1860, forty two years?
- A Yes sir.
- Q Julia E. Brunson? born December 5, 1868 aged thirty nine?
- A Yes sir.
- Q William J. Brunson born February 26, 1866, thirty six years.
- A Yes sir.
- Q John M. Brunson, born February 24, 1868, thirty four years?
- A Yes sir.
- Q Catherine Brunson born February 27, 1871, thirty one years.
- A Yes sir.
- Q Florence E. Brunson born June 16, 1873, twenty nine years?
- A Yes sir.
- Q Annie L. born May 8, 1878 aged twenty eight years? A Yes sir
- Q Is that a correct list of your children? A Yes sir.
- Q Who of these are dead if any? A One
- Q Which one? A Not of these children; none of them are dead; they are all living.
- Q Have you any other children who are dead who have left families? A No sir.
- Q Is Thomas King Brunson married? A Yes sir.
- Q What is the name of his wife? A Annie.
- Q Is she a white woman or a Choctaw Indian? A She's a white woman.
- Q Has Thomas King and his wife Annie any children? A Yes sir.
- Q How many children have they? A Nine.
- Q Can you give them? A Yes sir.
- Q Is your son Thomas King Brunson before the Commission? A Yes sir.
- Q And he is to make application is he A Yes sir.
- Q Mary K. Cook is she before the Commission? A Yes sir.
- Q And is to make application for herself with her family?
- A Yes sir.
- Q Julia E. Garrison is she here? A Yes sir.
- Q And to make application for herself and family? A Yes sir.
- Q William James Brunson also here? A No sir he's not here.
- Q Is he living? A Yes sir.
- Q Whom did he marry? A He married Miss Eunice Watts.
- Q What's his post office address? A Soranton Mississippi.
- Q Have they children? A Yes sir.
- Q How many? A They have three.
- Q Give the name of the eldest? A Mariah.
- Q Is she married? A No sir.
- Q How old is Mariah? A She's about thirteen or fourteen.

- Q What is the name of the next child? A Ethel
Q How old is Ethel? A I reckon she 's about twelve; I dont know.
Q What is the name of the next child? A Clyde.
Q How old is Clyde? A He's about nine years old I think.
Q Is John M. Brunson before the Commission at the present time? A No sir.
Q Is he living? A Yes sir.
Q Whom did he marry? A He's not married at all.
Q Has no children then? A No sir.
Q What's his post office address? A Rosser Alabama.
Q In the state of Alabama? A Yes sir.
Q Is Catherine E. Brown before the Commission at the present time? A Yes sir.
Q And she will make application for herself? A Yes sir.
Q You have a daughter by the name of Florence Eugenia? A Florence Eugenia Garrison; she married a Garrison.
Q Was she a family? A Yes sir.
Q Is she here before the Commission? A Yes sir.
Q Is Annie Lillian here? A No sir.
Q What is her full name? A Culpepper.
Q What is her husband's name? A Parker Culpepper.
Q Where do they live? A In Meridian Mississippi.
Q Have they a family? A Yes sir.
Q How many children? A Three.
Q Have they been before the Commission? A No sir; she was fixing to come but couldn't get off.
Q What are the names of their children? A Percy
Q How old is Percy? A I dont know that I can state his age.
Q What's the name of the next child? A Otis.
Q How old is Otis? A Over three years old I think.
Q What's the name of the next child? A Ida; that 's the baby.
Q How old is Ida? A She's turning her second year.
Q That is the full list then is it of your children and their families? A Yes sir.
Q Did you ever hear that John Walker or his wife Mary Frances Walker received a patent from the government for any money due them in Mississippi? A No sir I did not.
Q Did you ever hear that any of his children ever received any such patents from the government? A No sir.

Examination by the Commission:

- Q Do you want to have your case consolidated with the cases of Alberta W. Gains et al so that your case and all other relatives of yours claiming through the same common ancestor John Walker and Mary Frances Walker may be considered together?

A Yes sir.

Special reference for the purpose of consolidation is hereby made to M.C.R. 4639 Alberta W. Gains et al the applicant in said case and the applicant in this case being the descendants of John Walker and Mary Frances Walker nee Chambliss whom this applicant claims complied with the provisions of the fourteenth article of the treaty of 1830.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has no indica-

tions of being possessed of Indian blood; dark hair now streaked with gray; blue eyes.

Q You dont speak the choctaw language do you? A No sir

Q She has no knowledge or understanding of the Choctaw language; she claims to be a direct lineal descendant of John Walker and his wife Mary Frances Walker and that John Walker signified for his family to Colonel Ward United States Indian agent in Mississippi within six months from February 24, 1831 his intention to remain in the state of Mississippi and become citizens of the states and take land under the fourteenth article of the treaty of Dancing Rabbit Creek.

Q

Examination by Mr. Edwine, Attorney for applicant.

Q Did you say your mother was born in Mississippi or Alabama?

A I think she was born in Alabama as well as I recollect.

Q In Sumpter County? A I believe it was Sumpter County; I'm not certain.

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Time is allowed in this case until the 31st day of August for the introduction of additional testimony in support of this application.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 31st day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of August 1902

B. C. Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3163.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Julia F. Brunson,
Rosser, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddle Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1866 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Samuel Diney.

Chairman.

Register.

MCR-6168 .

Muskogee, Indian Territory, March 16, 1907.

Julia F. Brunson,
Rosser, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Julia F. Brunson,*

Age *65* Blood *1/8*

Post-Office, *Rosser, Ala.*

Father: *Little Woodall d*

Mother: *Mary G. " d.*

Claims through *Mother —*
husband.

George A. Brunson, l.w.

No claim for husband.

~~ANNOT.~~

Claims for self alone.

Stenographer *Clara Mitchell Wood*

Choctaw MCR 6169

Florence E. Garrison

See MCR 4639

MCR 6169

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 21, 1902.

In the matter of the application of Florence Eugenia Garrison for the identification of herself and her three minor children John Edmond, Arlis Clyde and James Lee Garrison as Mississippi Choctaws.

Applicant represented by W.N. Redwine, Attorney at Law.

Florence Eugenia Garrison being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Florence Eugenia Garrison.
 Q What is your age? A Twenty nine.
 Q What is your post office address? A Yantley Alabama.
 Q How long have you lived at Yantley? A Ten years.
 Q Where were you born? A In Alabama.
 Q Have you all ways lived in Alabama? A Yes sir.
 Q What is your father's name? A George Brunson.
 Q How do you spell Brunson - B-r-u-n-s-o-n? A Yes sir.
 Q Is he living? A Yes sir.
 Q Has he made application to be identified as a Mississippi Choctaw? A No sir.
 Q What is your mother's name? A Julia F. Brunson.
 Q She has been before the Commission today has she? A Yes sir.
 Q You claim your Choctaw blood through your mother do you not? A Yes sir.
 Q How much Choctaw blood do you claim? A One sixteenth.
 Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
 Q Your mother has just given her testimony has she before the Commission in her application for identification as a Mississippi Choctaw? A Yes sir.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A John Garrison.
 Q Is he living and a white man? A Yes sir.
 Q He's not a Choctaw Indian? A No sir.
 Q You don't claim Choctaw blood for him do you? A No sir.
 Q Have you any children you want to make application for under twenty one years of age and unmarried? A No sir I have only three.
 Q You have three then? A Yes sir.
 Q What is the name of the oldest? A John Edmond.
 Q How old is John? A He's seven years old.
 Q What is the name of the next child? A Arlis Clyde.
 Q How do you spell it? A A-r-l-i-s Clyde.
 Q How old is Arlis? A He's five.
 Q That's a boy is it? A Yes sir.
 Q What is the name of the next child? A James Lee.
 Q How old is James? A Ten months old.
 Q Do you make application for yourself and these three children? A Yes sir.
 Q Is John Garrison the father of these children? A Yes sir.

- Q You are the mother are you? A Yes sir.
- Q Are you and your husband living together as husband and wife and these children are living with you at your home?
- A Yes sir.
- Q Is your name or the name of the children on any of the tribal rolls of the Choctaw nation in Indian Territory?
- A Yes sir.
- Q On the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw nation to the Dawes Commission for yourself and children under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time attempted to become enrolled or to get your children enrolled as member of the Choctaw tribe of Indians by making application to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q You don't care to have it explained? A No sir.
- Q It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section not six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your Choctaw right to be identified as a Mississippi Choctaw? A It's my grandfather John Walker.
- Q What relation was John Walker to you? A He was my great grandfather.
- Q How much Choctaw blood did your great grandfather John Walker have? A I don't know that he had any; it was my great grandmother.

F. E. Garrison

- Q His wife? A Yes sir.
- Q What was her name? A Mary Frances.
- Q How much Choctaw blood did she have? A Supposed to be one half.
- Q Did John Walker and his wife Mary Frances Walker live in the old Choctaw Nation in 1830? A I don't know about that.
- Q John Walker as far as you know is a white man? A Yes sir as far as I know.
- Q And Mary Frances as far as you know was a Choctaw Indian? A Yes sir.
- Q Do you know whether they or either of them complied with article fourteen of the treaty of 1830? A I don't know.
- Q When I ask that question I mean by that did either of them go to Colonel William Ward the United States Indian agent with in six months after the treaty of Dancing Rabbit Creek was ratified and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A Of course I don't know anything about that far back; I've heard that grand father complied - great grandfather complied with that treaty.
- Q Now your great grandfather's name was John Walker? A Yes sir.
- Q But he was a white man and you say he complied with that treaty? A Yes sir. That's what they say; of course I don't know.
- Q That's what you have heard? A Yes sir.
- Q Through whom did you hear that? A I've heard my mother speak of it.
- Q Your mother's name is Julia F. Brunsom? A Yes sir.
- Q Have you heard any other members of the family say anything about it? A No one only my aunt.
- Q What is her name? A Martha Lee.
- Q Has she been before the Commission? A She hasn't - no sir.
- Q Your mother's sister? A Yes sir.
- Q Is she here to go before the Commission? A Yes sir.
- Q Where was this land located that John Walker received from the government. A Well it was in Alabama but I don't know where.
- Q Did John Walker and Mary Frances Walker live in the Choctaw Nation in Alabama in 1830 seventy two years ago? A I don't know.
- Q Do you know whether they had children living with them in Green County Alabama in 1830? A I do not know.
- Q Do you know when John Walker was born? A No sir.
- Q Or his wife Mary Frances Walker? A No sir.
- Q Do you know when and where they died either of them? A No sir.
- Q Do you know whether they lived all their lives in Alabama? A No sir.
- Q Do you know whether Green County in is the Choctaw Nation in Alabama? A I don't know sir.
- Q Did you ever know they lived in Green County? A No sir.
- Q All you know about this is what you have heard your mother say - that John Walker and his wife Mary Frances Walker were your great grand father and great grand mother? A Yes sir.
- Q And that they received land from the government? A Yes sir.
- Q You don't know much about the particulars do you? A O, no sir of course not; that's too far ahead you know, I'm too young to know.
- Q You don't know where it's located or how much land there was? A No sir.

- Q Did you ever hear of Colonel William Ward the United States Indian agent? A No sir.
- Q Did you ever hear of Colonel George W. Martin the United locating agent? A No sir.
- Q Have you testified to all that you really have heard and knew in reference to your great grand father and great grand mother having lived in the Choctaw nation in Mississippi and Alabama? A No sir I dont know anything about it; only what I have heard others say.
- Q Dont you remember anything further or you have heard others say? A No sir.
- Q Did anybody ever tell you that the name of your great grandfather John Walker or any of his children and Mary Frances Walker appear upon any governmental list as Indians who received benefits under article fourteen of the treaty of 1830? A No sir.
- Q Do you know whether John Walker and his wife Mary Frances Walker lived in the state of Alabama in what was known as the old Choctaw nation in 1830 and was the head of a family there then? A No sir I dont.
- Q Then you dont know anything about how many children he had? A No sir I dont know anything about it ~~only~~
- Q Nor how old they would be if living now? A No sir.
- Q And you cant tell how old John Walker and Mary Frances Walker would be if living now? A No sir.

On page 18 volume 1 of the records of the Court of Claims in the cases of Choctaw Nation of Indians vs the United States, number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831 the day the treaty of Dancing Rabbit Creek was ratified their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age; The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent, appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin, section twenty-nine, township nineteen range one east, containing six hundred and forty one acres; fractional sections thirty, township nineteen, range one east, containing six hundred and eleven and seventy five one hundredths acres, section twenty eight township nineteen, range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres; fractional section twenty township nineteen, range one east, containing eighty nine and sixty one hundredths acres and the west half of the northwest quarter of section thirty two, township nineteen range one east containing eighty acres.

- Q Do you know anything about these children or about their ages or about these sections? A No sir
- Q What evidence or proof have you that the Johnwalker whose name appears upon Colonel William Ward's register and the register of the locating agent George W. Martin is in fact your great grand father John Walker; what evidence have you that this person I have been reading about is the same John Walker that you claim to have been your great grandfather? A Of course I don't know.
- Q You yourself are not able from what you have heard to connect the two? A No sir I don't know.
- Q Did you ever hear that your great grandfather John Walker and his wife Mary Frances Walker had seven children; did you ever hear anything about the number of children? A No sir I don't know how many children they had.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Choctaw Indians who stated in Mississippi after the treaty of 1830 was ratified were required to go to the United States Indian agent Colonel Ward within six months after its ratification and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; his neglect to place those names upon his registration list caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3 of that year Congress appointed a Commission which commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress for the same purpose under an act approved August 23 of that year; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions each of them made lists of the names of all Choctaw Indians who came before them; these lists were properly prepared by each different commission and sent to the proper authorities in Washington.

- Q Do you know whether any of your Choctaw ancestors appeared before either of those two commissions and claimed any benefits or rights or privileges under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.
- Q This scrip was issued to Choctaw Indians claimants who proved first that they had a right under article fourteen of the treaty of Dancing Rabbit Creek and secondly that their improvements had been taken from them by the government.
- Q Do you know if any of your ancestors further than you have already testified complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I do not.
- Q Have you ever heard in any specific way or any direct manner that any of your Choctaw ancestors went into Colonel William Ward the United States Indian agent at his office in

Mississippi within six months after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi take land there and become citizens of the United States

A No sir I don't know.

Q Did you ever hear that any of them went from that old Nation east of the Mississippi river with the other Choctaws to the Choctaw Nation Indian Territory between 1833 and 1838?

A No sir I didn't

Q Or that they owned any improvements on land in Mississippi or Alabama? A No sir.

Q You have testified to everything that you can possibly testify to? A Yes sir; I don't know anything much; I was too young.

Q And you haven't heard much? A No sir.

Q Do you want to have your case consolidated with the cases of Albert W. Gains et al in order that all these applicants claiming through the same common ancestor may be considered together with yours? A Yes sir with the others of course.

Special reference is here made for the purpose of consolidation to U.C.R. 4639 Albert W. Gains the applicants in said case and the applicants in this case being the descendants of the same common ancestor John Walker who married Mary Frances Walker nee Chambliss whom the applicants claim complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Q Do you speak or understand Choctaw? A No sir.

The applicant has the appearance of being descended from white parentage; has brown hair; blue eyes; medium dark complexion; does not speak the Choctaw language or understand it; she claims to be a descendant of John Walker who signified for his family to Colonel William Ward United States Indian Agent in Mississippi within six months from February 24 1831 an intention to remain in Mississippi and become citizens of the States.

Q Would you like a little time in which to introduce other testimony in this case?

A (By Attorney) Yes sir.

Time is allowed this applicant up to and including the 31st day of August for the introduction of further testimony.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 30 day of August 1902.

B. C. Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

M.O.R. 6169.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Florence Eugenia Garrison,
Yantley, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann, Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Tame Dixey.

Chairman.

Register.

MOR-6169.

Muskogee, Indian Territory, March 16, 1907.

Florence H. Garrison,
Yantley, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Florence E. Garrison*

Age *29* - Blood *1/16*

Post-Office, *Yankee, Ala.*

Father: *George Brunson, l.*

Mother: *Julia F. " l*

Claims through ~~husband~~ mother -

John Garrison, l. w.

Claims nothing for husband -

Children:

John E. Garrison, 7

~~Artis~~ *Artis b. " M 5*

James L. " 10m-

Claims for each 2
3 mums -

Stenographer *Clara M. M. M.*

Choctaw MCR 6170

Thomas K. Brunson

See MCR 4639

MCR 6170

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 22, 1902.

In the matter of the application of Thomas K. Brunson for the identification of himself and his eight minor children Carrie May, Lawrence Abram, Sadie Franklin, Thomas Milton, George Edgar, Katie Lillian, Emma Estelle and Mary Effie Brunson as Mississippi Choctaws.

Applicant represented by W.N. Redwine, Attorney at Law.

Thomas K. Brunson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas K. Brunson.
 Q What is your age? A Forty five
 Q What is your post office address? A Rosser.
 Q What state? A Sumpter County Alabama.
 Q How long have you lived at Rosser? A I lived there all my life.
 Q You were born and have always lived in Alabama? A Yes sir.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir.
 Q What is your father's name? A George N. Brunson. George Edgar
 Q What's your mother's name? A Julia F. Brunson.
 Q Do you claim through your mother? A Yes sir.
 Q How much Choctaw blood do you claim? A One sixteenth
 Q Your mother has been before the Commission has she not
 A to be identified as a Mississippi Choctaw on August 21, 1902
 A yes sir.
 Q Has she ever been recognized in any way or enrolled as a
 member of the Choctaw tribe of Indians by the Choctaw tribal
 authorities or the United States authorities in Indian
 territory? A No sir.
 Q Are you married? A Yes sir.
 Q Is your wife living? A Yes sir.
 Q And a white woman or Choctaw Indian? A White woman.
 Q Do you make any claim for her? A No sir.
 Q What is her name? A Annie S. Brunson.
 Q Have you any children under twenty one year of age and
 unmarried you want to make application for? A No sir.
 Q Haven't any minor children? A Yes sir I have eight minor
 children.
 Q Give me the name of the eldest? A My eldest is twenty one
 she's here to claim for herself.
 Q Give me the name of the eldest under age? A Carrie May.
 Q How old? A Was born May 30 --
 Q Give me the age? A Nineteen.
 Q The next? A Lawrence Abram.
 Q How old is Lawrence? A Sixteen.
 Q The name of the next? A Sadie Franklin.
 Q How old is Sadie? A Fourteen.
 Q The next? A Thomas Milton.
 Q How old is Thomas? A Twelve.
 Q The next? A George Edgar.

- Q How old is George? A Ten.
 Q The next? A Katie Lillian.
 Q How old is Katie? A Eight
 Q The next? A Emma Estelle.
 Q How old is Emma? A Six.
 Q The next? A Mary Effie aged one.
 Q How many other children who is over twenty one years of age? A Yes sir.
 Q What is her present name? A Annie Keniah Thompson.
 Q What is her husband's name? A Thompson; B.S. Thompson.
 Q Where do they live? A Cuba Station Alabama.
 Q Is Annie S. Brunson the mother of these minors and this one over twenty one years of age? A Yes sir.
 Q Are you and your wife living together as husband and wife?
 A Yes sir.
 Q And are these minors living with you at your home? A Yes sir all except this one that's married.
 Q Have you the proof of your marriage with you wife Annie S. Brunson? A Yes sir.
 Q Have you it with you? A Yes sir.

Certified copy of the marriage license of Thomas K. Brunson and Annie Tate presented by applicant marked exhibit A and filed and made a part of the record in this case.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
 A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A I have not; no sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Have you ever before this time made an effort to enroll yourself or your children as members of the Choctaw tribe of Indians by making application either to the Choctaw tribal authorities or the United States authorities? A I have not.
 Q Do you now come before the Commission to identify yourself and this minor children as Mississippi Choctaws?
 A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830?
 A Yes sir.
 Q Do you understand that article of that treaty? A I think I do.
 Q Do you care to have it explained? A No sir I don't know that it's worth while; to explain it.
 Q It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey in the manner shall be entitled

tional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A John Walker.
- Q What relation was John Walker to you? A My great grandfather.
- Q How much Choctaw blood did he have? A His wife I believe was a half.
- Q How much did John Walker have? A I don't know.
- Q Did he have any? A I do not know.
- Q How much Choctaw blood did his wife have? A One half I believe.
- Q One half what? A One half Indian.
- Q Choctaw Indian? A Yes sir.
- Q What was the name of John Walker's wife? A Mary Frances Walker.
- Q What was her maiden name? A I do not know.
- Q Did she or her husband live in the Choctaw Nation in Mississippi or Alabama in 1830? A Yes sir I think so.
- Q What makes you think so? A Well I've heard so.
- Q What have you heard about John Walker or Mary Frances Walker having lived in Mississippi in 1830 and having a family there then or in other words being the head of a family there and having complied or attempted to comply with article fourteen of the treaty of 1830? A Well of course I've just heard that he did live there; owned land in 1830.
- Q In Mississippi or Alabama? A In Alabama.
- Q In what part of Alabama? A Somewhere near the Tom Bigbee river.
- Q Do you know what county? A Sumpter.
- Q Now go on and tell me further if you have heard anything?
- A I just heard that he owned land there.
- Q Where did he get that land? A I do not know; I've heard it was given to him.
- Q Was it given to him or did he buy it? A I've heard it was given to him.
- Q By whom? A By the government I reckon; of course I don't know.
- Q What makes you reckon so? A I just heard so.
- Q Who told you so? A I heard my mother and my uncles say so.
- Q Where was this land located that was given to John Walker by the government if you have heard? A In Alabama on the Bigbee river I heard.
- Q What county? A Sumpter County.

- Q Were there any improvements on that land? A I do not know.
- Q Dont know whether any of your Choctaw ancestors owned any improvements on land in Alabama in 1830? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors John Walker or his wife Mary Frances Walker or any others within six months after the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward and told him they wanted to stay in Mississippi take land and become citizens of the states? A I heard so.
- Q Couldn't you give anything more definite or refer to any records of any kind showing that John Walker was a beneficiary under article fourteen of the treaty of 1830? A I can not.
- Q Have you told everything that you can recall that has been told you in the family? A I think I have sir.
- Q Have you ever seen any patent issued by the government to John Walker or any of his descendants for land? A Ever seen any?
- Q Yessir. A No.
- Q Have you ever heard of any? A I've heard.
- Q What have you heard of John Walker having a patent from the government for land in Alabama? A I think I have heard he had a patent given him.
- Q Are you sure you have? A I think I have.
- Q Are you sure you have? A I think that I am sure of it; I wont be positive.
- Q That's your best recollection? A Yes sir that's my best recollection.
- Q Now then you say you think you are sure that you heard of a patent issued to John Walker; what did you ever hear of that patent if anything? A Well I have heard that he was given land in Sumpter County and lived upon that land.
- Q Are you a son of Julia P. Brunson? A Yes sir.
- Q Your mother made application to be identified before the commission yesterday did she not? A Yes sir.
- Q Are you related to Alberta W. Gains? A Yes sir.
- Q What relation are you to her? A We are cousins I reckon.
- Q She has made application to be identified before the Commission as a Mississippi Choctaw? A I think she has.
- Q Would you like to have your case consolidated with hers and with the other relatives of yours claiming through the same common ancestor? A Yes sir.

The consolidated case of Alberta W. Gains et al M.C.R. 4639 is where referred to for the purpose of consolidation.

- Q Did you ever hear of Green County Alabama? A Yes sir.
- Q Did John Walker or Mary Frances Walker ever live there? A I have heard so.
- Q Did they live there in the year 1830? A I have heard so.
- Q Did they have a family of children living there then? A I have heard so.
- Q In other words then John Walker was the head of a family in Green County Alabama in 1830 in the old Choctaw Nation; that's what you heard? A Yes sir.
- Q Is Green County in the old Choctaw Nation A I suppose it is.
- Q Did you get all this information from your mother? A From my mother and aunt and uncle.
- Q What is your aunt's name? A Martha Lee.
- Q Where is she living now? A I cant tell you.
- Q Has she made application to be identified as a Mississippi Choctaw? A She will be before you today.
- Q Did you ever hear that

T K Brunson 3

- Q Did you ever hear that John Walker or Mary Frances Walker his wife had a homestead in the old Choctaw Nation in Alabama?
- A Yes sir.
- Q You never heard anything about improvements on it? A No sir never heard anything about the improvements.
- Q Do you know whether they had the land under cultivation at that time? A I do not.
- Q How do you know Mary Frances Walker was a half blood Choctaw Indian? A I don't know it; I've heard it.
- Q How have you heard that? A Through my mother and uncle.
- Q Was that quantity fixed at - half blood - did they say she was a half blood? A Yes sir; that's what they told me.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838; did they go from that old Choctaw Nation to the Choctaw Nation Indian Territory - do you know? A I do not know.
- Q Are you positive that John Walker received any land from the United States government in the old Choctaw Nation in Alabama from the government of the United States under article fourteen of the treaty of 1830? A I have heard so.
- Q Under that article? A Yes sir article fourteen.
- Q Did John Walker receive it through his wife Mary Frances Walker? A I suppose so.
- Q That's your understanding is it? A Yes sir I think so.
- Q Did they have a more than one homestead do you know?
- A Not that I know of.
- Q Did they have any children? A I have heard they had seven but I can't give their names.
- Q Do you know whether John Walker received land alone or did he and his wife receive it or did he his wife and children receive land? A I can't tell you; I have just heard that he received land.
- Q Do you know how much in quantity? A No sir I do not.
- Q How long have you known anything about the treaty of 1830?
- A How long have I known of it and heard of it?
- A Yes.
- Q It hasn't been very long not over four or six months.
- Q How long have you known that you had any rights as a Mississippi Choctaw in the Choctaw Nation Indian Territory? A I haven't known it over six months.
- Q How long has it been you have known that Mary Frances Walker was a half breed Choctaw Indian? A Well I've heard my mother speak of it; I can't tell you how long.
- Q How many times do you think? A I can't tell you; I don't know.
- Q Half dozen times in your life? A Yes sir.
- Q Give me an idea; I don't mean exactly the number of times
- A A good many but I can't tell you how many.
- Q Did you hear that when you were a child? A No sir I reckon I was grown.
- Q You were a middle aged man before you heard it? A I suppose so.
- Q Your mother who testified before the Commission on April 21, 1902 gave the names of all your brother and sisters did she not? A Yes sir.
- Q Are there any relatives of yours whose names we didn't get that you can recall now? A No sir.

on page 18, volume 1 of the records of the Court of claims in the cases of the Choctaw nation of Indians vs the United States, number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these several children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent, appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family under ten years of age that he was awarded by Colonel Martin section twenty nine township nineteen, range one east, containing six hundred and forty one acres; fractional sections thirty, township nineteen, range one east, containing six hundred and eleven and seventy five one hundredths acres; Section twenty eight township nineteen, range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres fractional section twenty township nineteen, range one east containing eighty-nine and sixty one hundredths acres and the west half of the northwest quarter of section thirty two township nineteen range one east containing eighty acres.

- Q What evidence have you that the John Walker whose name appears on Colonel William Ward's register and upon the register of locating agent George W. Martin is in fact your great grandfather John Walker; what proof have you that your great grandfather John Walker is the same John Walker whose name appears upon Ward's register and upon George W. Martin's register? A Why I've just heard that it's the same John Walker that owned land in Alabama.
- Q You didn't hear about this until you became a middle aged man did you? That must have been two or three years ago?
- A Yes sir I reckon so.
- Q You are forty five now? A Yes sir.
- Q Have you any other proof that it's the same person as your great grandfather more than the fact that your great grandfather was named John Walker and had a wife who had Indian blood and that he had seven children? A Yes sir; just that they owned land and had seven children.
- Q But you are unable to describe that land or tell me much about it? A No sir.

The Choctaw who stayed back in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the

ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list; his neglect to do this caused Indians who had land in Mississippi or Alabama upon which they had improvements to lose both land and improvements; they were taken from them by the government and sold; this caused so many complaints among the Choctaws that in 1837 a Commission was appointed by Congress and also another Commission in 1842; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- the
- Q Did any of your Choctaw ancestors appear before any Commission appointed by the act of Congress approved March 3, 1837 or before the Commission appointed by act of Congress of August 23, 1842 and claim any benefits as Choctaw Indians under that article of that treaty? A I heard that John Walker did.
- Q John Walker you heard went before the Commission of 1837 or the Commission of 1842? A I do not know.
- Q You heard that he went before one of them did you? A Yes sir.
- Q Are you sure about that? A Yes sir; I heard that he did.
- Q Now his name doesn't appear upon any list made by the Commission of 1837 or upon any list made by the Commission of 1842; still you have heard that he did appear before one of them? A Yes sir.
- Q And you are just as positive that he appeared before one of these commissions as that he appeared before Colonel William Ward within six months after the ratification of the treaty?
- A I can't tell.
- Q Your belief is just as positive is it that he did appear before one of them as that he went before Colonel Ward; you say you heard he went before one of these commissions; you believe he did? A Yes sir.
- Q You believe he did just as much as you believe he did before Colonel Ward? A I think it was before Colonel Ward he went before.
- Q I asked you if he went before these two commissions? A I don't know.
- Q He could have gone before Colonel Ward and he also could have gone before the Commission of 1837 and he could have gone before the Commission of 1842 but did he? A It seems to me that I heard the one he went before was 1830; of course I don't know.
- Q I went over all that explanation of 1837 and 1842 in order to have you understand it and I asked you the question did he go before either of them and you said you thought he did; did he or didn't he; did you ever hear that he did.
- A I heard that he did go before some of them but what I don't know.
- Q You don't know whether it was before Colonel Ward or the Commission of 1837 or the Commission of 1842? A I don't know.
- Q Did any of your Choctaw ancestors John Walker or his wife Mary Frances Walker or any other receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas which scrip was issued to these Choctaw Indians who proved first their right under article fourteen of the treaty of 1830 and who further proved that had had land taken from them in Mississippi or Alabama and sold by the government; did they get any such scrip as that? A I don't know whether they did or not.

T E Brunson

- Q Have you anything further you want to say Mr. Brunson in support of this application? A No sir; not that I knew of.
- Q Do you want any time extended to you for the introduction of further proof in this case? A Just as alone, no sir.
- Q Don't you want a little time.

By Attorney: W. N. Redwine:

I ask that you allow me until the first day of August 1902 to introduce additional evidence in support of this claim of applicant.

By the Commission:

This motion is allowed.

- Q Do you speak Choctaw? A No sir.

Examination by W. N. Redwine, Attorney for applicant:

- Q Mr Brunson you first testified that your understanding was from your relatives that John Walker went before the Commission within six months after the ratification of the treaty of 1830 and signified his intention to select la and in the state of Mississippi; was that the only Commission you ever heard he went before? A A I reckon so; I don't know.
- Q You don't mean that you heard he went before the Commission of 1837 or 1842? A No sir; I don't know what year it was.

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This applicant has the appearance and physical characteristics of being descended from white parentage; dark blue eyes; medium fair complexion; has no knowledge of the Choctaw language; he claims to be a direct lineal descendant of John Walker who signified for his family to Colonel William Ward United States Indian agent in Mississippi within six months from February 24, 1831 an intention to remain in Mississippi and become citizens of the states and take land under the fourteenth article of the treaty of Dancing Rabbit Creek and whose name appears upon Colonel William Ward's Register.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 30 day of August 1902.

Be Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

H.C.R. 0170.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Thomas K. Brunson,

Rossier, Alabama.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hoggins,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixey.

Chairman.

Register.

MUR-6170.

Muskogee, Indian Territory, March 16, 1907.

Thomas K. Brunson,
Rosser, Alabama.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Thomas K. Brunson

Age 45- Blood 1/16

Post-Office, Rosser, Ala.

Father: George E. Brunson l

Mother: Julia T. Brunson l

Claims through mother -
wife

Annie S. Brunson l. w.

No claim for wife -

Children:

Carrie May Brunson,	19
Lawrence A. "	16
Sadie F. "	14
Thomas M. "	12
George E. "	10
Katie L. "	8
Emma E. "	6
Mary E. "	1

Claims for self &
children -

claim medals & goods

Stenographer

H. C. Britton

Choctaw MCR 6171

Julia E. Garrison

See MCR 4639

MCR 6171

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 22, 1902.

In the matter of the application of Julia Estelle Garrison for the identification of herself and her five minor children George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison and Clarabelle Garrison as Mississippi Choctaws.

Applicant represented by W.H.Redwine, Attorney at Law.

Julia Estelle Garrison being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Julia Estelle Garrison, but I go by the name of Estelle.
- Q Julia is the first part of it? A Yes sir; Julia E. Garrison.
- Q What is your age? A Thirty nine.
- Q What is your post office address? A Yantley Alabama.
- Q How long have you lived in the state of Alabama? A All my life.
- Q How long in Yantley? A Twenty years.
- Q Is your father living? A Yes sir.
- Q And mother? A Yes sir.
- Q What is your father's name? A George E. Brunson.
- Q What is your mother's name? A Julia F. Brunson.
- Q Your mother has made application to be identified as a Mississippi Choctaw before the Commission August 21st has she? A Yes sir.
- Q You claim your Choctaw blood through your mother do you?
- A Yes sir.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities in Indian Territory or by the United States authorities in Indian Territory? A No sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A James M. Garrison.
- Q Is he a Choctaw Indian? A No sir.
- Q He's a white man is he? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Now if you will give me your children under age and unmarried beginning with the oldest. A George L. Garrison aged eighteen.
- Q The next? A Myra E. Garrison sixteen.
- Q The next? A Earl C.
- Q How old? A Fourteen.
- Q Annie M. A Twelve. Clarabelle nine.
- Q That is all? A Yes sir five.
- Q Do you claim for yourself and these five children do you?
- A Yes sir.
- Q Is James M. Garrison the father of these children?
- A Yes sir.
- Q Are you and your husband living together as husband and wife?
- A Yes sir.
- Q Are these children living with you at your home? A Yes sir.

- Q Have you any other children besides these? A No sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities ~~that~~ in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
- A No sir.
- Q Have you ever made any application before this time for enrollment as a Choctaw citizen for yourself and children either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q You now want to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830
- A yes sir.
- Q Do you understand that article of the treaty? A I have heard it often enough.
- Q You don't care to have that explained to you? A No sir.
- Q It reads as follows:
- "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? I've heard great grand father Walker did.
- Q What was his wife's name? A Mary Frances Walker.
- Q Did John Walker have any Choctaw Indian blood? A I do not know.
- Q Did Mary Frances Walker have any Choctaw blood? A I heard she was half Indian - Choctaw.
- Q How old would Mary Frances Walker be if living now? A I don't know.
- Q How old would John Walker be? A I don't know.
- Q When and where did John Walker die? A I don't know.
- Q When and where did Mary Frances Walker his wife die? A I don't know sir.
- Q Did either of them live in the state of Mississippi or in

- the state of Alabama? A I've heard they lived in Alabama.
- Q What portion of Alabama did they live?
- A Well I've heard they lived west of the Ten Bigbee ; I dont know where
- Q Do you know what county? A Green County I think.
- Q Did they ever own any land in Green County or any other portion of the state of Alabama either of them? A Well I've heard they had land in Green County; I dont know.
- Q Did you ever hear that the name of John Walker or his wife Mary Frances Walker was upon any list of the government as beneficiaries under article fourteen of the treaty of 1830? Enrolled upon any list.
- A In 1830?
- Q As beneficiaries under that article fourteen of the treaty of 1830. A I heard they enrolled in 1830/
- Q Did you ever hear upon whose list or upon what list? A No sir.
- Q Did you ever hear of Colonel William Ward? A A Of course I heard the name called but that's all.
- Q In what connection have you heard the name Colonel William Ward? A Well of course since this case has been brought up I have heard his name called.
- Q That's lately - since the matter has been brought up before the Commission? A Yes sir.
- Q How long have you known you were an Indian. A Not long
- Q About how long now have you known that you had Choctaw blood?
- A Well I have heard it for the last five or six months.
- Q And then I suppose all these other facts have been coming along from time to time since then? A Yes sir.
- Q Previous to that you didn't know that you had a right as a Choctaw Indian? A No sir.
- Q Beyond what you have heard with reference to John Walker and Mary Frances Walker did you ever hear that any of your Choctaw ancestors within six months after the treaty of 1830 went to the United States Indian agent Colonel Ward and told him they wanted to stay in Mississippi take land and become citizens of the United States? A Yes sir.
- Q Did you ever hear that either John Walker or Mary Walker did this - either of those two? A I wont be positive about it.
- Q In order to take advantage of article fourteen and become a beneficiary under that article it would have been necessary for those ancestors to go in person before Colonel Ward at his office and make their application in person.
- Q Do you know whether John Walker did that? A I've heard that he selected land.
- Q But you dont know that he went before Colonel William Ward in Mississippi do you or do you not? A I wont be positive
- Q What proof have you or what evidence can you introduce to show that your great grandfather John Walker who married Mary Frances Walker is the John Walker whose name appears upon George W. Martin's locating list? A Well I haven't any proof particularly; I dont know anything about it.
- Q How many children did John Walker and his wife Mary Frances Walker have? A Why I've heard they had seven.
- Q What did you hear about that? A Well I heard mother speak of it.
- Q What's your mother's name? A Julia F. Brunson.
- Q You get your information from her? A From her yes sir.
- Q Did you hear her say or anyone else say that John Walker

or Mary Frances Walker owned land in the old Choctaw Nation in Alabama which land they received from the United States government under article fourteen. A yes sir I think I heard that.

- Q You heard that from your mother? A My mother and uncle.
 Q Did you ever hear where this land was located in Alabama exactly? A No sir I didn't hear exactly.
 Q Did you ever hear how much land there was? A No sir.
 Q Did you ever hear that it was given to John Walker or to him and his wife and children? A Yes sir I heard it was given to him.
 Q To whom? A I don't know; I just heard he got land and that was all; I don't know who it was given to.
 Q Did you ever hear that land had improvements? A No sir.
 Q Did John Walker speak the Choctaw language? A I don't know sir.
 Q Did he have a Choctaw Indian name? A I don't know sir.
 Q Did Mary Frances Walker have a Choctaw Indian name or speak the Choctaw language? A I don't know sir.
 Q Did you ever hear that he and his wife lived in Mississippi or in Alabama in that old Choctaw Nation in 1830 and that they had children living there then? A Yes sir I heard they lived there and had children.
 Q Did they always stay in Alabama? A I don't know sir.

On page 18 volume 1 of the records of the Court of claims in the cases of the Choctaw Nation of Indians vs the United States number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831 the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin section twenty nine township nineteen range one east containing six hundred and forty acres; fractional sections thirty township nineteen range one east containing six hundred and eleven and seventy five one hundredths acres; section twenty eight township nineteen range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres; fractional section twenty township nineteen range one east containing eighty nine and sixty one hundredths acres and the west half of the northwest quarter of section thirty two township nineteen range one east containing eight acres.

- Q Can you swear positively that the John Walker whose name

appears in Colonel Ward's register and upon the list of Colonel George W. Martin is your great grandfather? A No sir.

Q You think you cant swear positively to that? A No sir.

The Choctaw Indians who remained back there in the old Choctaw nation east of the Mississippi river after the treaty was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and signify to him their intention to remain in Mississippi take land and become citizens of the states;; a great many Choctaw Indians did this whose names do not appear upon Colonel Ward's registry list; Colonel Ward was a very negligent man and failed to register the names of a great many who did appear before him and signify their intention to stay and become citizens of the states; his failure to make a proper registration of the names of of Choctaws who complied with article fourteen caused great distress among the Choctaw Indians and many of them lost their land and the improvements upon that land; on account of his negligence this land and the improvements thereon was taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians and on account of the complaints made, in 1837 by an act approved March 3 of that year Congress approved a Commission to go into Mississippi and hear those claimants; in 1842 another commission was appointed by Congress for the same purpose under an act approved August 23 of that year.

Q Do you know whether any of your Choctaw ancestors or whether John Walker or his wife appeared before either of these commissions and claimed benefits as Choctaw Indians? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas which scrip was issued under an act of Congress approved August 23 1842? A I dont know sir.

Q Do you speak Choctaw? A No sir.

Q Do you want time extended in which to introduce other testimony?

A The same time as the others have.

Q Up to and including the 21st day of August? A Yes sir.

This time will be allowed this applicant to introduce other testimony.

Q Have you any evidence you want to introduce now? A No sir.

Q Did I ask you if you wanted your case consolidated with that of Alberta W. Gains? A Yes sir.

Examination by W.H.Redwine, Attorney for applicant:

Q When you were a child growing up did you hear your mother or any of your relatives speak as to whether you were part Choctaw? A No sir..

Q You have only heard this in the last six months? A Yes sir

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; brown hair; light complexion; does not understand the Choctaw language; she claims to be a direct lineal descendant of John Walker who signified for his family to Colonel

J E Garrison 6

William Ward, United States Indian Agent in Mississippi within six months from February 24, 1831 an intention to remain in Mississippi and become citizens of the states and take land under the fourteenth article of the treaty of purchasing rabbit creekland whose name appears upon Colonel William Ward's Register.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3 day of August 1902.

V. B. Jones
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6171.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Julia B. Garrison,
Yantley, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Giltford Marshall, Orlando H. Ryan, John Giltford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Samuel Dwyer.
Chairman.

Register.

MCR-6171.

Muskogee, Indian Territory, March 16, 1907.

Julia E. Garrison,
Yantley, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Julia E. Garrison

Age 39 - Blood $\frac{1}{16}$

Post-Office, Yanitay, Ala.

Father: George E. Brunson, l

Mother: Julia F. " l.

Claims through Mother -
husband

James M. Garrison, l w.

No claim for husband

Children:

George L. Garrison, 18

Myra E. " 16

Eare C " 14

Annie M. " 12

Clarabelle " 9

Claims for xref
and 5 minors.

Stenographer Clara Mildred Wood

Choctaw MCR 6172

Catherine E. Brown

See MCR 4639

MCR 6172

Department of the Interior .
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, August 22, 1902.

In the matter of the application of Catherine E. Brown
 for the identification of herself and her two minor children
 Leon C. Brown and Willie F. Brown as Mississippi Choctaws

Applicant represented by W.H. Redwine Attorney at Law.

Catherine E. Brown being first duly sworn testified as follows:

- Q What is your name? A Catherine E. Brown.
 Q What is your age? A Thirty one.
 Q What is your post office address? A Rosser Alabama.
 Q Have you lived in Alabama all your life? A Yes sir.
 Q And in Rosser all your life? A Yes sir.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir. Since I married I live in Lauderdale County Mississippi; I lived at Rosser now the last two years.
 Q What is your father's name? A George E. Brunson.
 Q What is your mother's name? A Julia F. Brunson.
 Q She has appeared before the Commission to be identified as a Mississippi Choctaw August 21st has she? A Yes sir.
 Q You claim Choctaw blood through your mother? A Yes sir.
 Q How much Choctaw blood do you claim? A One sixteenth
 Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by any authorities whatever eight the Choctaw tribal authorities or the United States authorities? A Yes sir.
 Q She has? A No sir she has not.
 Q She has simply made application to be identified as a Mississippi Choctaw? A Yes sir.
 Q Are you married? A Yes sir.
 Q Is your husband living and is he a white man or Choctaw Indian? A White man.
 Q And living? A Yes sir he's living.
 Q What is his name? A Albert S. Brown.
 Q Do you make any claim for him? A No sir.
 Q Give me the name of the oldest child under twenty one years of age and unmarried you want to make application for?
 A Leon C. Brown.
 Q How old is Leon? A Five years old.
 Q Give me the name of the next? A Willie F. Brown.
 Q Girl? A No sir it's a boy.
 Q How old is Willie? A He's two years old.
 Q Is that all you want to make application for? A Yes sir.
 Q You claim for yourself and your two children? A Yes sir just myself and two children.
 Q Is Albert S. Brown the father of these children? A Yes sir.
 Q Are you and your husband living together at your home and the children living with you? A Yes sir.
 Q Is your name or the name of your children on any of the Choctaw tribal rolls in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and two children? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time sought to become enrolled with your children as a member of the Choctaw tribe of Indians by applying to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of Wanning Rabbit Creek or the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well I have heard it explained but I don't understand it I don't think.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Wanning Rabbit Creek on the 27th day of September of that year 1830; the object of that treaty was to remove the Choctaw Indians from that old Choctaw nation east of the Mississippi river to the Choctaw nation Indian Territory; of course the Indians could not have been removed without their consent; their consent was obtained when this treaty was signed; a good many Indians said they would not go to the Choctaw nation Indian Territory with the other Indians; in order therefore to protect them and their interests article fourteen was put into the treaty; the treaty was then ratified.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I have heard that great grandfather Walker did.
- Q Is that your grandfather or great grandfather? A Great grandfather.
- Q What was his wife's name? A Mary Frances Walker.
- Q Do you know what her maiden name was? A No sir.
- Q Did John Walker your great grandfather have any Choctaw blood.

A I do not know.

Q Did his wife have any Choctaw blood? A I've heard she did

Q How much Choctaw blood did you hear she had? A Half Indian.

Q Did she or her husband either of them live in the old Choctaw nation in Mississippi or Alabama in 1830? A I do not know.

Q Do you know whether either of them lived there and whether they were the heads of a family there at that time; in other words did they have a family of children living in the old Choctaw Nation in 1830? A No sir I don't know.

Q You never heard that? A I heard them speak of it here in the room but I never heard it before.

Q To day you have heard it spoken of but never before? A Yes sir.

Q When did you first hear that you had Choctaw Indian blood.

A I never heard it until the last four or five months.

Q When did you first hear of John Walker or Mary Frances Walker

A Well I've heard mother speak of my grandmother.

Q You never heard in that connection of the Indian blood did you? A No sir.

Q It was then recently that your family became aware of this fact that your grandmother Mary Frances Walker had Choctaw blood? A Yes sir.

Q How did that information come to your mother and other members of the family? A Some relatives were writing to them.

Q Could you say about when that was; was that very long ago?

A No sir; it hasn't been very long.

Q Could you tell who that relative was who wrote? A It was some of mother's cousins; I don't remember exactly now who it was.

Q Do you know where they lived? A I can't tell you.

Q So that as far as you and your mother and other members of your mother's family are concerned this matter has come to you within four or five months from some distant relative.

A Yes sir.

Q And all these facts have since developed? A Yes sir.

Q Did you ever see any list upon which the name of John Walker appeared as being a beneficiary under article fourteen of the treaty of 1830 as having an Indian wife or half Indian wife? A No sir.

Q Did you ever hear of Colonel William Ward or Colonel George V. Martin before today? A No sir.

Q From your recollection and your information you have received about having a Choctaw Indian ancestor you never have heard much of Colonel Martin or Colonel Ward? A No sir I never heard anything.

Q Or of the treaty of 1830 or the fourteenth article of that treaty? A No sir.

Q Did you ever hear that any Choctaw ancestor of yours within six months after the date of the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward and told him they wanted to stay in Mississippi take land and become citizens of the states? A No sir.

Q Did you ever hear that John Walker or his wife Mary Frances Walker did that? A I have heard here.

Q All you know of this matter you have gotten from your mother Julia F. Brunson? A Yes sir.

Q That is the source of your information? A Yes sir.

- Q And she, you state got it from distant relatives about six months ago? A Yes sir; her brother I think.
- Q What have you heard or do you know anything about John Walker having received any land in the Choctaw Nation in Alabama or Mississippi? A No sir I haven't heard it until here today..
- Q Here today for the first time? A Yes sir.
- Q You don't know anything about that land or where it was located? A No sir.
- Q Do you know whether that land was received by him from the government or whether he purchased it from some private source? A I don't know.
- Q You don't know whether he had any improvements on it? A No sir.

On page 18 volume 1 of the records of the Court of claims in the cases of the Choctaw Nation of Indians vs the United States number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831, the day the treaty of Dancing Rabbit Creek was ratified their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent appears the name of John Walker it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin section twenty nine township nineteen range one east containing six hundred and forty one acres; fractional sections thirty, township nineteen range one east containing six hundred and eleven and seventy five one hundredths acres; section twenty eight township nineteen range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres; fractional section twenty, township nineteen, range one east, containing eighty nine and sixty one hundredths acres and the west half of the northwest quarter of section thirty two township nineteen range one east containing eighty acres.

The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians who went under the treaty, were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian

Agent Colonel Ward within six months after the treaty of 1830 was ratified and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward for some reason failed to put upon his list known as Ward's register; his failure to do this caused Indians who had land in the old Choctaw Nation to lose both their land and improvements; both were taken from them and sold by the government at its public land sales; this caused so many complaints among the Choctaw Indians that Congress appointed a commission by an act approved on March 3 1837; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by an act of Congress approved August 23 1842; this commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors either John Walker or Mary Frances Walker or any other ancestor of yours go before either of those Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I dont know..
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land in Mississippi Alabama Louisiana or Arkansas
- A I dont know.

This scrip was issued under an act of Congress approved August 23 1842 and was given to those Indians who proved first that they had had land under article fourteen and also proved that their land had been taken from them by the government and sold.

- Q What relation is Alberta W. Gains to you? A A cousin.
- Q She has made application has she not to be identified as a Mississippi Choctaw? A I dont know.

The records show in M.C.R. 4639 Alberta W. Gains did make such application and claims descent from John Walker and Mary Frances Walker the same ancestor through whom you claim.

- Q Do you want to have your case consolidated with hers and with the other relatives of yours claiming through the same common ancestor. A Yes sir.

Consolidated case of Alberta W. Gains 4639 is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence you want to introduce at this time? A No sir.
- Q Do you want any time granted? A Just the same as the others.
- Q You would like time up to and including the 31st day of August? A Yes sir.

This time will be allowed this applicant for the introduction of further testimony.

C E Brown --6.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, fair complexion brown hair; has no knowledge of the Choctaw language. Claims to be a direct lineal descendant of John Walker who signified for his family to Colonel William Ward, United States Indian Agent in Mississippi within six months from February 24, 1831 an intention to remain in Mississippi and become citizens of the states and take land under the fourteenth article of the treaty of Dancing Rabbit Creek and whose name appears upon Colonel William Ward's Register.

Clara Mitchell Weed being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Weed

Subscribed and sworn to before me this 3rd day of August 1902.

B. C. Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6172.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Catherine T. Brown,
Rossier, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
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Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
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Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
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Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
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Mary Alice Dooley, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED)

James Diney,
Chairman.

Register.

MCR-6172.

Muskogee, Indian Territory, March 16, 1907.

Catherine H. Brown,
Rossier, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Catherine E. Brown

Age 31 - Blood 1/16

Post-Office, Rosser, Ala.

Father: George Brunson, l.

Mother: Julia F., l.

Claims through husband -

Albert S. Brown, l. 20.

No claim for husband.

Children:

Leon C. Brown, 5-

Willie F., " M. 2

Claims for
self & 2 children

Stenographer Clara Mitchell Wood.

Choctaw MCR 6173

Mollie K. Cook

See MCR 4639

MCR 6173

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, August 22, 1902.

In the matter of the application of Mollie K. Cook for the identification of herself and her six minor children James Herbert, Joseph Eugene, Ida Lamar, Howard Lawrence, Bertha Louise, and Bryan Beauregard Cook as Mississippi Choctaws.

Applicant represented by W.H.Redwine, Attorney at Law.

Mollie K. Cook being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie K. Cook.
Q What is your age? A Forty two.
Q What is your post office address? A Meridian Mississippi.
Q How long have you lived in Meridian? A Just a short while; about a month I reckon.
Q Where did you live before that? A Sumpter County - Choctaw.
Q In Alabama or Mississippi? A In Alabama.
Q Did you always live in Alabama previous to going to Mississippi? A Yes sir.
Q Where were you born? A I was born in Alabama.
Q What place in Alabama? A Rossier.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A G.E.Brunson.
Q George? A Yes sir.
Q What is your mother's name? A Julia F. Brunson.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States in Indian Territory?
A No sir.
Q She has made application to be identified as a Mississippi Choctaw before the Commission August 21st has she? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A J.E.Cook.
Q Is he living? Yes sir.
Q Is he a white man or Indian? A White man.
Q Do you make any claim for him? A No sir.
Q Give me the name of your eldest child under twenty one year of age and unmarried? A James Herbert.
Q How old is James? A He will be twenty two in October.
Q Twenty one now? A I mean twenty; I was thinking of the eldest.
Q He is nineteen now? A Yes sir.
Q The next? A Joseph Eugene.
Q How old? A Seventeen.
Q The next? A Ida Lamar.
Q How old? A She's fourteen.
Q The next? A Howard Lawrence.
Q How old? A Twelve.
Q The next? A Bertha Louise.
Q How old? A She's ten years old.
Q Any other children? A Yes sir; Bryan Beauregard.

- Q That's a boy of course? A Yes sir; he's four years old.
Q Any other children? A No sir.
Q You claim for yourself and children? A Yes sir.
Q Is J.E. Cook the father of these minor children? A Yes sir.
Q Are you and your husband living together as husband and wife and are these children living with you? A Yes sir.
Q Have you any other children who are ever ago? A One.
Q What is the name of that child? A John Edgar.
Q Is he married? A Yes sir.
Q Where does he live? A Meridian Mississippi.
Q Is your name or the name of any of your minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and minor children to the Choctaw tribal authorities in Indian territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children to the Dawes Commission under the act of Congress of June 10 1896? A No sir.
Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q This is the first application of any kind that you have made for citizenship in the Choctaw Nation to the Choctaw tribal authorities of the United States authorities? A Yes sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A Yes sir.
Q You don't care to have it explained then? A No sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830?
A No sir. I didn't understand the question.
Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A John Walker.

- Q What relation was John Walker to you? A Great grandfather.
 Q How much Choctaw blood did he have? A I have one sixteenth
 Q How much did John Walker have? A Not any that I know of.
 Q Do you know what his blood was? A Half Indian his wife
 Q How much did he have? A I do not know.
 Q Was he a white man or an Indian? A White man I suppose.
 Q Do you know? A No sir I do not know.
 Q How much Choctaw blood did his wife have if any? A Half
 Q Did she have a Choctaw Indian name? A I do not know.
 Q Did she speak the Choctaw language? A I dont know.
 Q Did either John Walker or his wife Mary Frances live in the
 old Choctaw nation east of the Mississippi river in 1830? And
 did they have children living with them there at that time?
 A I dont know sir.
 Q Do you know where John Walker did live with his wife Mary
 Frances? A No sir
 Q Do you know whether he lived in Alabama? A No sir I dont know
 Q Did you ever hear that any of your Choctaw ancestors owned
 any improvements on land in the old Choctaw Nation in
 Mississippi or Alabama in 1830? A Yes sir I heard that
 great grandfather did.
 Q Owned improvements on land where? A O, I didnt understand;
 I dont know anything about the improvements.
 Q Owned land where? A In Alabama.
 Q But you dont know whether they lived in Alabama or not
 do you? A No sir I dont know whether they lived there or
 not.
 Q Is it your idea that they might have lived elsewhere and owned
 land in Alabama? A I dont know whether they did or not; I
 dont know anything about it.
 Q Then you dont know whether they ever lived on that land
 they owned in Alabama? A No sir I dont.
 Q Where was that land located in Alabama? A West of the
 Ten Bigbee river I heard.
 Q Where did you get your information about the land and in
 reference to John Walker and Mary Frances Walker? A I
 heard my mother and uncle and aunt speak of it.
 Q How long have you known that you had Choctaw blood.
 A The last four or five months.
 Q How long have you known that that Choctaw blood was derived
 through Mary Frances Walker your great grandmother.
 A Just a late thing.
 Q And do you know where that information first came from - who
 conveyed it to you or to your mother? A No sir I dont know.
 Q Both knew it about the same time? A We did I presume.
 Q You dont know what relatives or other people wrote to her
 or told her? A No sir I do not.
 Q How will you tell me all about what you know with reference
 to John Walker or Mary Frances Walker either of them owning
 land in Mississippi or Alabama in the old Choctaw Nation
 which land they received from the government as Choctaw Indian
 as Choctaw Indians under article fourteen of the treaty of
 1830? A Well I dont know much about it.
 Q You have stated about all you do know? A Yes sir.
 Q Do you know whether within six months after the ratification
 of the treaty of Dancing Rabbit Creek either John Walker or
 Mary Frances Walker or any other Choctaw ancestor of yours
 went to Colonel William Ward the United States Indian agent
 and told him they wanted to stay in Mississippi take land and

- and become citizens of the states? A No sir I dont.
- Q Did any of your Choctaw ancestors go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or '40? A I dont know sir.
- Q Do you know whether either John Walker or Mary Frances Walker lived in the old Choctaw nation east of the Mississippi river in Mississippi or Alabama in the year 1830 or the year 1831 and had children living with them there then?
- A No sir I never heard.
- Q Did you ever hear how many children they had? A I heard seven
- Q Do you know their names? A No sir.
- Q Do you know how many were girls? A No sir.
- Q How many were boys? A No sir; it seems to me like I heard my mother say there were four girls and three boys.
- Q At the time when the treaty of 1830 was made and during the six months time after the treaty was ratified do you know if John Walker lived in the state of Alabama in the old Choctaw Nation and had four children over ten years of age three children under ten years of age? A No sir.
- Q Never heard anything about it? A No sir.
- Q Did you ever hear about Colonel William Ward or any registry list that he made or Colonel George W. Martin or any locating list that he made? A No sir.
- Q Do you know whether that land owned by your grandfather was in Sumpter County Alabama? A No sir.
- Q Or in Green County? Alabama? A No sir.
- Q Do you know whether they had a homestead in either of those places or any other place in Alabama? A No sir.
- Q Do you know how much land was comprised in this land that was held by John Walker? A No sir.
- Q Or whether he received it from the government or whether he received it by a deed from other sources? A No sir.
- Q You dont know how much in extent do you or how bounded?
- A No sir.

On page 18 volume 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831 the day the treaty of Dancing Rabbit Creek was ratified their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age.

that he was awarded by Colonel Martin section twenty nine township nineteen range one east containing six hundred and forty acres; fractional sections thirty township nineteen range one east containing six hundred and eleven and seventy five one hundredths acres; section twenty eight township nineteen range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres fractional section twenty township nineteen range one east containing eighty nine and sixty one hundredths acres and the west half of the northwest quarter of section thirty two township nineteen range one east containing eighty acres.

- Q What evidence have you that the John Walker whose name appears upon Colonel William Ward's register and upon the register of locating agent George W. Martin is in fact your great grandfather John Walker? A I have heard my mother and uncle and aunt speak of it.
- Q You are not able to state that this one whose name appears upon this list is the same as your great grandfather - identify him as the same one; on that list of Colonel Ward's the names of John Walker appears as having an Indian wife and seven children; now are you positive that it's the same one as your great grandfather? A No sir I am not.
- Q Could your mother be positive of that fact? A I don't know.
- Q That's a co-incidence but are you positive it's the same one? A No sir.
- Q Your belief is that it was the same one because of the same name and because he had an Indian wife or half Indian wife and because he had seven children? A Yes sir.

The Choctaw Indians who remained in the Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required to go before Colonel William Ward the United States Indian agent within six months of the date of the ratification of the treaty of 1830 if they wanted to take advantage of that article of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; Colonel William Ward because of his negligence in the administration of his duties as United States Indian agent neglected to make a proper record or registration of the names of Choctaw Indians who appeared before him under article fourteen of the treaty of 1830 and his neglect of duty in this respect caused a good many Indians who had land in Mississippi and Alabama upon which they had improvements to lose both their land and improvements for both were taken from those Indians by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3 of that year a commission was appointed which went to Mississippi and heard claimants under that article of the treaty; in 1842 by an act of Congress approved August 23 of that year another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors go before either of those Commission and claim benefits as Choctaw Indians under that article of the treaty? A Not that I know of.

- Q You never heard of it? A No sir
 Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23 1842 and was given to those Indians who proved their rights under that act and also proved that their land had been taken from them by the United States government and sold.

- Q Is there anything further you want to say in support of your application? A No sir
 Q Have you any other evidence you want to introduce? A No sir.
 Q Do you want any time in which to introduce other testimony?
 A Just the same as the other.
 Q You want time extended to you up to and including the 31st day of August? A Yes sir.
 Q This time will be allowed the applicant for the purpose of introducing other testimony if she desires.
 Q What relation is Alberta W. Gains to you? A She's my cousin.
 Q She has made application to be identified as a Mississippi Choctaw? A Yes sir.
 Q Do you want to have your case consolidated with hers and of other relatives who claim through the same common ancestor?
 A Yes sir.

Consolidated case of Albert W. Gains et al M.C.R 4639 is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language or understand it? A No sir.

Examination by W.N.Redwine attorney for applicant.

- Q Have you at any time heard your mother uncle or aunt state whether or not John Walker and his wife Mary Frances Walker lived and resided in Alabama? A Well I don't know sir for certain whether I have or not.
 Q You don't remember as to that? A No sir.
 Q You stated in your chief examination that John Walker and his wife Mary Frances Walker had seven children; you further stated that you knew four of them were girls and three boys; are you positive as to that? A No sir; I'm not positive
 Q It might be that there were four boys and three girls?
 A Yes sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; brown hair; medium fair complexion; has no knowledge of the Choctaw language; claims to be a direct lineal descendant of John Walker who signified for his family to Colonel William Ward United States Indian Agent in Mississippi within six months from February 24 1831 an intention to remain in Mississippi and become citizens of the states and to take land under the fourteenth article of the treaty of Dancing Rabbit Creek and whose name appears upon Colonel Ward's Register.

Clara Mitchell Wood being first duly sworn upon hereath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of August 1908 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 28 day of August 1908

B. C. Jones
Notary Public.

M C R 6173

Muskogee, Indian Territory, February 10, 1903.

J. E. Cook,

Pushmataha, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 27, 1903, asking what disposition has been made of the claim of your wife, who is a niece of W. A. Woodall.

In reply to your letter you are advised that it appears from our records that Mollie K. Cook, wife of J. E. Cook, is an applicant to this Commission for the identification of herself and her six minor children as Mississippi Choctaws. No decision or opinion has yet been rendered relative to their right to such identification, and it is impossible to say at this time just when the case will be reached for consideration and determination.

As soon as a decision is rendered Mollie K. Cook will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6173.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Mellie K. Cook,

Pushmataha, Alabama, U. S.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall. Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,
(SIGNED).

Tame Dixey.
Chairman.

Register.

MCR-6173.

Muskogee, Indian Territory, March 16, 1907.

Mollie K. Cook,
Pushmataha, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Mollie K. Cook

Age 42 Blood 1/6

Post-Office, Meridian, Miss.

Father: George E. Brunson, l.

Mother: Julia F. " l.

Claims through mother -
 husband -
 J. E. Cook, l. w.
 Claims nothing for
 husband.

Children:

James H. Cook, 19

Joseph E. " 17

Ida L. " 14

~~Lawrence~~

Howard L. " 12

Bertha L. " 10

Bryan B. " 4

Claims for self &
 children

Stenographer Clara M. H. N.

Choctaw MCR 6174

Annie K. Thompson

See MCR 4639

MCR 6174

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory August 22, 1902.

In the matter of the application of Annie K. Thompson
for identification as a Mississippi Choctaw.

Applicant represented by W.N. Redwine attorney at law

Annie K. Thompson being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A Annie K. Thompson.
Q What is your age? A Twenty one.
Q What is your post office address? A Cuba Alabama
Q How long have you lived in Cuba? A Eight months; well I
don't live right in Cuba; I live on the other side of it;
that's my post office address; I been living there eight
months.
Q How long have you lived in the state of Alabama? A All my
life.
Q Is your father living? A Yes sir.
Q And your mother? A Yes sir.
Q What is your father's name? A Thomas K. Brunson.
Q Has he been before the Commission to be identified as a
Mississippi Choctaw August the 22nd?
A Yes sir.
Q What is your mother's name? Annie S. Brunson.
Q Are you claiming through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized in any way or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in
Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother
with you? A Yes sir.
Q A certified copy of the marriage certificate was filed in his
application was it not? A Yes sir.
Q Would you like to have your case consolidated with
that Alberta W. Gaines et al? A Yes sir.

The case of Alberta W. Gaines 4639 is here referred to for
the purpose of consolidation.

- Q What is your husband's name? A Ben S. Thompson
Q He is living is he? A Yes sir.
Q He is a Choctaw Indian is he? A No sir.
Q White man? A Yes sir.
Q Do you make any claim for him? A No sir.
Q You make claim just for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw
Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the
Choctaw Nation to the Choctaw tribal authorities in Indian
Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under
the act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time made application for enrollment as a citizen of the Choctaw Nation to any authority - either the United States authorities or the Choctaw tribal authorities? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A How was that.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830? A I don't know sir; I heard it enough to.
- Q Would you like to have that explained to you fully and completely? A No sir; I don't know that there's any use of it.
- Q I will explain it if you think you want to have it explained.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of that treaty was to remove all the Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; now a good many of those Indians refused to go to the Choctaw Nation Indian Territory and in order to protect the interest of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q You don't? A I don't understand that.

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A Did they ever do any of those things that are stated in article fourteen? A I dont know anything about that. You see I am too young.
- Q What you know about it is what you have heard from other members of the family? A Yes sir.
- Q Did you ever hear of Colonel William Ward or Colonel George W. Martin? A No sir until I heard you all speak of it yesterday.
- Q Did you ever hear before yesterday and today of article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear of the treaty of 1830 before yesterday or today? A No sir; I dont think I did.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
- Q What is the name of your great grandfather or your ancestor through whom you make your claim. A John Walker is my great great grandfather.
- Q How much Choctaw blood did he have? A I dont know sir; didnt have any I reckon.
- Q Do you know what blood he did have? A No sir.
- Q You dont know whether he was a white man or Indian? A No sir I dont know anything about it.
- Q How much Choctaw blood if any did his wife have? A Half.
- Q What was her name? A Mary Frances Walker.
- Q What did that F. stand for? A Frances or Franklin I dont know which; I dont remember anything about it.
- Q You dont know whether it was Mary Franklin or Mary Frances? A No sir.
- Q When did you hear her name first? A Here just a while back. Four or five months ago; I heard my grandmother and father speak of it.
- Q You didnt know very much about her of John Walker previous to that? A No sir; I didnt know anything until what I heard them say.
- Q Within four or five months? A Yes sir.
- Q Did you know until within four or five months you had any Indian blood at all? A No sir.
- Q Have you heard it in the same way? A Yes sir.
- Q Through whom did that information come to your family? A Through my grandmother.
- Q How did it happen that this matter of Choctaw blood and the question of making application came up in your family; just about how did it come up; how did it come around? A I dont know sir.
- Q Somebody wrote or spoke to your people and told you you had Choctaw blood and had a right or claim in the Choctaw Nation? A I dont know; I wont be positive about it.
- Q Did the information that came to you with reference to having Choctaw blood come within a period of four or five months from the date of this application; is that right? A Yes sir.
- Q Did your great great grandfather John Walker or his wife Mary Frances Walker either of them or both of them live in the old Choctaw Nation either in Mississippi or Alabama in the year 1830? A I do not know sir.
- Q Did you ever hear that they had children living with them in the old Choctaw Nation either in Alabama or Mississippi

- A I haven't heard anything about it; I heard them speak of it here.
- Q You never heard of it until today or yesterday? A No sir.
- Q Did you ever hear that they had children - that is did you hear that they did have children living with them then?
- A I cant say that I heard them say that they lived with them then; I heard them say they had seven.
- Q Have you any information at all that these ancestors John and Mary Frances Walker had any children living with them in the old Choctaw Nation in 1830? A No sir.
- Q Do you know whether either of them within six months after the treaty of 1830 was ratified went to the United States Indian agent Colonel William Ward in Mississippi and told him they wanted to stay in Mississippi take land and become citizens of the United States? A No sir.
- Q Do you know whether John Walker did that as representing his wife Mary Frances Walker? A No sir.
- Q Did you ever hear that either John Walker or his wife Mary Frances Walker or that John Walker for his wife Mary Frances Walker made any claim to the United States Indian agent as a beneficiary under article fourteen of the treaty of 1830? A No sir.
- Q Did either of them receive any land or claim any land in the states of Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know sir about that you see I was young and I dont know anything ~~xxxx~~ only just what I have heard here.
- Q Did you ever hear that the name of John Walker was upon any list of registration or of location made either by Colonel William Ward the United States Indian agent or by George W. Martin the locating agent, as being a beneficiary under having land allotted to him under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear of Colonel George W. Martin or of Colonel Ward before yesterday or today? A No sir.
- Q Have you testified to all that you know with reference to any Choctaw ancestor of yours having lived in the state of Mississippi or Alabama in what was known as the old Choctaw Nation in 1830 and having children there then and having complied with article fourteen or attempting to comply with that article of the treaty of 1830? A Yes sir.
- Q Did any one ever tell you - either a member of the family or any one else that your great great grandfather John Walker had land in the old Choctaw Nation in Mississippi or Alabama.
- A They did.
- Q Who told you? A I've heard my father.
- Q Whose your father? A Thomas K. Brunson.
- Q He just told you that today did he? A No sir; my grandmother has told me..
- Q Where was that land located? A I cant tell you; I dont know anything about it.
- Q Do you know how much land there was; how many sections?
- A No sir.
- Q How bounded? A No sir.
- Q How received by you or great great grandfather? A No sir.
- Q Whether received from the government or by a deed from other sources? A No sir.
- Q Your knowledge of this matter and your information is not very extensive is it? A No sir.

The Choctaw Indians who stayed in that old Choctaw nation east of the Mississippi river after the treaty of 1830 was ratified were required to go to the United States Indian agent Colonel William Ward within six months from the ratification of the treaty and tell him they wanted to stay there take land in the old Choctaw nation and become citizens of the states; a great many Choctaws did this whose names Colonel Ward for some reason did not put upon his list now known as Ward's register; his neglect to do this caused a good many Indians living in the old Choctaw Nation to lose the land which they had there; the government took that land and the improvements and sold both at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3 of that year a commission was appointed by Congress; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act of Congress approved August 23 of that year another commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830; both of these commissions made lists which were forwarded to the proper authorities in Washington.

- Q Do you know whether any of your Choctaw ancestors went before either of these commissions of 1837 or 1842 and claimed benefits under article fourteen of that treaty? A No sir I dont.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23 1842 and was issued to those Indians who proved their right to claim under article fourteen and that they had had land in the old Choctaw Nation which had been taken from them by the government and sold.

- Q Have you any evidence you want to introduce before the Commission? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Do you want to have your case consolidated with the case of Alberta W. Gains et al? A Yes sir.
- Q What relation is she to you? A She's a cousin.
- Q She has made application to be identified as a Mississippi Choctaw has she? A Yes sir.
- Q Do you want to have your case and the cases of all other relatives of yours who have appeared before the commission claiming under the same common ancestor consolidated under the consolidated case of Alberta W. Gains et al. A Yes sir

The consolidated case of Alberta W. Gains et al M.C.R. 4639 is here referred to for the purpose of consolidation, of all these cases claiming through the same common ancestor as this applicant.

- Q Have you heard your father Thomas K. Brunson or any other relative of yours state whether your great great grandfather received land through Mary Frances Walker his wife who had Choctaw Indian blood? A Yes sir.
- Q Did you ever hear that the name of John Walker appears on Ward's register? A No sir.

On page 18 volume 1 of the records of the court of claims in the cases of the Choctaw nation of Indians vs the United States, number 12742 appears a list or register of Choctaw who signified within six months from the 24th day of February 1830, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent appears the name of John Walker it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin section twenty nine township nineteen range one east containing six hundred and forty one acres; fractional sections thirty township nineteen range one east, containing six hundred and eleven and seventy five one hundredths acres; section twenty eight township nineteen, range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres; fractional section twenty township nineteen range one east containing eighty nine and sixty one hundredths acres and the west half of the north west quarter of section thirty two township nineteen range one east containing eighty acres.

- Q Have you any means of knowing whether ~~the~~ your great great grandfather John Walker was the same John Walker mentioned in this registry list? A No sir.
- Q You want a little time in which to introduce other testimony in this case?

By W.N. Redwine, Attorney for applicant:

I will ask that you allow us up to and including the 31st day of August.

By the Commission: This motion is allowed:

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This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes;

light hair; fair complexion; does not speak or understand the Choctaw language; claims to be a direct lineal descendant of John Walker who designated for his family to Colonel William Ward United States Indian Agent in Mississippi within six months from February 24, 1831 an intention to remain in Mississippi and become citizens of the states and take land under the fourteenth article of the treaty of Dancing Rabbit Creek and whose name appears upon Colonel William Ward's register.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of August 1902.

B. C. Jones
Notary public.

COPY.

COMMISSIONERS
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2174.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Annie K. Thompson,
Cuba, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1808 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixby.
Chairman.

Register.

NCR-6174.

Muskogee, Indian Territory, March 16, 1907.

Annie K. Thompson,
Cuba, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 6174

For Identification as a Mississippi Choctaw.

Date

Aug 22, 1902

Name Annie K. Thompson

Age 21

Blood

1/32

Post Office, Cuba, Ala

Father: Thomas K. Brunson, l

Mother: Annie S. " l

Claims through

husband father

Ben S. Thompson, l. w.
No claim for husband

Children:

claims for self
alone

Stenographer Clara McIntire

Choctaw MCR 6175

Martha E. Lee

See MCR 4639

MCR 6175

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 22, 1902.

In the matter of the application of Martha E. Lee for
identification as a Mississippi Choctaw.

Applicant represented by W.N. Redwine, Attorney at Law.

Martha E. Lee being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your full name? A Martha E. Lee.
Q What is your age? A Sixty six.
Q What is your post office address? A Lacey, Hancock County,
Mississippi.
Q How long have you lived in Lacey? A About five or six
years.
Q Where were you born? A Sumpter County.
Q In Mississippi? A Alabama.
Q Did you remove from Alabama to Mississippi? A Yes sir.
Q And have lived either in Alabama or Mississippi all your life?
A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Little Woodall.
Q What was your mother's name? A Mary G. Woodall.
Q Through which parent do you claim Choctaw blood? A My
grandmother.
Q Through which parent - your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in Indian
territory? A I don't know sir whether she was or not.

Q By Attorney W.N. Redwine:

None of them have ever been enrolled, A No sir.

By the Commission:

- Q Is your husband living? A Yes sir.
Q What is your husband's name? A William H. Lee.
Q Is he a Choctaw Indian or a white man? A He's a white man.
Q Do you make any claim for your husband? A No sir.
Q Have you any minor children of your own that you want to
make application for? A No sir.
Q Have you any children who are married? A Yes sir.
Q Can you give the name of your married children and addresses.
A Yes sir. Mrs. Chamberger. She's here.
Q Your people are all here are they? A Yes sir all except my
grandchildren.
Q You have some grandchildren have you? A Yes sir.
Q Your son's children? A Yes sir.
Q And he is dead? A Yes sir.
Q Are they living in Mississippi now? A Yes sir; they live
in Lacey Mississippi.

Q What is their mother's name? A Her name is Olivia Lee.
 Q She's a white woman is she? A Yes sir.
 Q How many of these children are there? A Four.
 Q What is the name of the oldest? A Maud.
 Q How old is Maud? A She's sixteen.
 Q What's the name of the next? A Caleb.
 Q How old is Caleb? A He's nine I reckon.
 Q What is the name of the next? A His name is Fred.
 Q How old is Fred? A He's seven.
 Q What's the name of the next? A Myrtle.
 Q How old is Myrtle? A She's three years old.
 Q Are these children living with their mother? A Yes sir.
 Q What was her husband's name? A James Lee.
 Q Application must be made for these children by their mother under proper authority from court.

Q You make claim for yourself alone do you? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Is this your first application? A Yes sir.
 Q Do you now want to be identified as a Mississippi Choctaw?
 A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830?
 A Yes sir.
 Q Do you understand that article ? A I think I do.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living within ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

Q Did any of your Choctaw ancestors comply with that article of that treaty? A Yes sir.
 Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.

- Q What is the name of your grandfather? A John Walker.
- Q Did he have any Choctaw blood? A No sir.
- Q Do you know what his nationality was what his blood was?
- A No sir.
- Q What was the name of his wife? A Mary Frances.
- Q What was her maiden name? A Mary Frances Chambliss.
- Q Did she have any Choctaw Indian blood? A Yes sir.
- Q How much did she have? A One half. My grandmother.
- Q Yes Mary Frances? A She was a quarter.
- Q How much did Mary Frances Walker have? A One quarter.
- Q How do you know she had one quarter Choctaw blood? A I heard my people speak of it.
- Q You are sixty six years old are you? A Yes sir.
- Q And this was your grandmother? A Yes sir.
- Q You claim your Choctaw blood through your mother Mary G. Woodall? A Yes sir.
- Q Was she the daughter of John Walker and Mary Frances Walker?
- A Yes sir.
- Q And you heard her say that Mary Frances Walker had one quarter Choctaw blood? A Yes sir I've heard it.
- Q You are positive about the quantity of blood you heard her say? A I knew just that much.
- Q Did your mother Mary G. Woodall ever live in Mississippi or Alabama? A Yes sir.
- Q Where did she live? A She lived in Alabama in Green County.
- Q In Green County Alabama? A Yes sir and Sumpter County both.
- Q Did she live there all her life? A Yes sir I think so.
- Q How old would your mother be if she were living now?
- A Somewhere about sixty.
- Q If she were living now; how old would she be; you are sixty six; tell me what year she was born? A She was born in '16.
- Q In 1816? A Yes sir.
- Q She would be eighty six years old if living if living now would she not? A Yes sir; I didn't keep up with the dates; I was very small; I was young.
- Q If she were born in 1816 she would have been fourteen years old in 1830 wouldn't she? A Yes sir.
- Q Do you know whether she was married when she was fourteen years old? A No sir I don't.
- Q Do you know when she was married? A No sir I don't remember that far back.
- Q Was she living in Alabama in 1830; that is when you was a girl of fourteen? A Yes sir. I think, as well as I can recollect.
- Q She was living there then and was the child of John Walker and Mary Frances Walker? A Yes sir.
- Q Did she have any brothers and sister? A My mother?
- A Yes.
- Q Yes sir; she had four brothers and two sisters.
- Q They were living in the family all together were they? A Yes sir.
- Q Can you give the names of these brothers and sisters? A Yes sir.
- Q Will you give their names please? A John, Elizabeth, Gouldsby James, William, Nancy and my mother was Mary.
- Q You have given them all have you? A Yes sir.
- Q Did you know them? A Yes sir.
- Q Saw them all did you? A Yes sir.
- Q Did they all live in the state of Alabama at any time?
- A Yes sir.
- Q Were they all born there? A Well I reckon they were; yes they were.

- Q In what counties do you know? A In -e- there was four in Sumpter County I believe and three in green I think; they had ~~four~~ elder I believe born in green and three in Sumpter I think..
- Q Can you tell which were the elder children; o an you give their ages? A No sir I dont believe I can
- Q Tell me which were the elder children? A John, Elizabeth, Gouldsby, James, I believe - James may come first, Nancy, William, Mary.
- Q Mary is the youngest? A I suppose so.
- Q And that's your mother? A Yes sir Mary is my mother.
- Q Born in 1816? A Yes sir; that's the date; I reckon that's correct.
- Q Do you know how much elder John was than Elizabeth? A No sir, dont.
- Q Do you know when these were born except your mother? A No sir. The old record I think was destroyed.
- Q Do you know whether your grandfather John Walker had any land in the old Choctaw nation in Alabama in 1830?
- A Yes sir.
- Q He was living there then was he? A Yes sir.
- Q And had children living with him then? A I think he had four.
- Q Living with him in 1830? A Yes sir I think so.
- Q How do you know that John Walker and his wife Mary Frances Walker were living in Alabama in 1830 and had four children then? A I heard my parents say so. And grandmother and uncles; I cant remember them very well.
- Q Were three of those children born after 1830? A I dont remember the dates.
- Q Was it after 1830? A Yes sir I think so.
- Q Did you get that from members of your family? A Yes sir.
- Q Did your mother tell you that? A Yes sir; I heard my father and my mother and uncles speak of it.
- Q And they told you that they had four children living with them in 1830 and three born after that date? A Yes sir.
- Q Now can you tell me about the dates when they were born?
- A No sir I cant.
- Q Do you know whether any children were born in '31 or '32 or '33 or '34? A No sir.
- Q Or any date after that? A No sir.
- Q You are sure that you heard your mother say that four were living in 1830; is that right? A Yes sir that's right.
- Q Did you ever hear that John Walker ever received any land in Mississippi from the United States government under article fourteen of the treaty of 1830? A Yes sir.
- Q Did you hear that he got it from the government or did he get it by a deed from some individual? A He got it from the government.
- Q Who told you that he got it from the government? A My parents
- Q Are you the eldest living descendant of John Walker and Mary Frances Walker? A Yes sir.
- Q And have you a pretty good recollection of those facts way back there you are testifying about now? A Yes sir.
- Q You think you have a pretty good recollection? A I think I have.
- Q It is stated that when people get old they have a good recollection of events which occurred a long time ago.
- A Some things; I have forgotten a heap I expect that I could tell you.

- Q But you do recollect John a Walker? A Well I can remember my grandmother; I never saw my grandfather.
- Q Mary Frances Walker you did see? A Yes sir.
- Q And you recollect her? A I recollect her well.
- Q What kind of looking woman was she? A She was a dark woman.
- Q Did she have dark hair or light?
- A It was turning gray; I think black.
- Q How old was she when you saw her last? A I cant tell you.
- Q What I mean - was she a middle aged woman or growing old?
- A No sir she wasn't so very old.
- Q Where did she die? A In Sunflower County Mississippi.
- Q Was she visiting there when she died? A No sir; she was living there at that time.
- Q She removed from Alabama and went to Mississippi? A She lived at father's several years.
- Q That was in Alabama; A Yes sir.
- Q Did she speak the Choctaw language? I've heard she did.
- Q You never heard her speak it did you? A No sir.
- Q Who told you that she did speak it? A Well my sister says she's heard her and I might have heard it but if I did I dont remember.
- Q Your sister told you that she did speak it - Julia Brunson? A Yes sir.
- Q She came before the Commission yesterday did she not? A Yes sir.
- Q She's younger than you is she? A Yes sir.
- Q Did your sister or did any brother or sister of yours or any uncle or aunt of yours or did your grandfather or grandmother ever tell you that either your grandfather John Walker or his wife Mary Frances Walker went to the United States Indian Agent within six months after the treaty of 1830 was ratified and tell Colonel Ward that they wanted to stay in Mississippi or Alabama and wanted to take land there and become citizens of the United States; did any of them tell you that John Walker or his wife went to the United States Indian agent and told him they wanted to stay in Mississippi and the land there and become citizens of the states? A Yes sir.
- Q Who was it told you John Walker did that? A My grandmother and mother and uncles.
- Q Your grandmother - who was that Mary Frances Walker? A Yes sir.
- Q What did she tell you? A I just hear her talk about it; that's all I heard.
- Q What did she say? A I cant exactly tell; I heard her speak about the land.
- Q Did you ever hear her say anything about Colonel Ward? A I dont remember how she had it about Colonel Ward but I heard he went and took land.
- Q Where did he go - do you remember? A No sir I dont remember.
- Q Do you remember whether you ever heard that Colonel Ward had an agency in Mississippi - an office there? A I think I've heard something said about it.
- Q You dont remember very clearly? A No sir.
- Q When did you hear about him? A I cant tell you.
- Q Was it a good while ago or a little while ago.
- A I've heard it in the last twelve months. I never paid much attention to that; I might have heard it before.
- Q When was the first time you knew you had were a Choctaw Indian? A I knew it ever since I could recollect.
- Q When did you first hear that Mary Frances Walker had one quarter Choctaw Indian blood? A I cant tell you exactly the date

- but it was when I was a child.
- Q You are sure about that - being one quarter Indian.
- A Yes sir my great grandmother was a half.
- Q What was her name? A I cant tell you that; that's a far as I can go.
- Q And her name was Mary Frances Chambliss? A Yes sir my grandmother was Mary Frances Chambliss.
- Q And she married John Walker? A Yes sir.
- Q And she had one quarter Cheetaw blood you say? A Yes sir.
- Q Your grandmother was Mary Frances walker and she had one quarter? A Yes sir.
- Q Now your mother would have half of that wouldn't she?
- A yes sir.
- Q she would have one eight wouldn't she? A Yes sir.
- Q If she had one eighth you would have one sixteenth wouldn't you? A I guess so.
- Q Do you want to change that and make it one sixteenth or one eighth.
- A Does it make any difference .
- Q I want it right as near as you can get it.
- A Well I reckon one eighth would do just as well.
- Q It went do just as well if your grandmother was one quarter Cheetaw. A Just put it right.
- Q I want you to tell me what you think is right? A I made a mistake; my grandmother was one quarter; my grandmother was half.
- Q You say your grandmother was one quarter - that's Mary prances walker; your mother was half of that; she was one eighth.
- A That would make me one sixteenth; that's right.
- Q You want to change it to one sixteenth? A Yes sir I want it right.
- Q Do you know where that land was located that you say your grandfather John Walker received from the government?
- A In Sumpter County. on the west side of the Tom Bigbee River.
- Q Do you know how much land there was? A I dont recollect.
- Q Was that land given him and to his wife and children or just given to him alone? A It was given to him I reckon.
- Q Alone? A I cant tell; I think it was himp I reckon it must have been to all of them - was divided out among the children.
- Q Do you know whether any patent or other instrument was given to him or other members of that family from the government; did you ever hear of any patent? A Yes sir I think I did.
- Q Did you ever see any? A No sir I never saw it.
- Q Who told you that a patent was issued by the government?
- A I think I heard my father speak of those things.
- Q How long ago was it since your father died? A I cant say.
- Q How old would he be if living now? A I cant recollect that either.
- Q How old would your mother be if living now? A I dont know.
- Q Where did she die? A she died in Sumpter County.
- Q In Alabama? A Yes sir.
- Q Can you tell how long ago it was since she died? A No sir I cant.
- Q Did you ever hear her say anything about any patent being given to her father John Walker from the government?
- A I've heard it spoken of in the family; I think my father spoke about it or my grandfather.
- Q Can you recollect anything about it.
- A I can recollect a good deal about it.
- Q I mean about this patent; do you know whether it was recorded? A No sir I dont think it was recorded; I think before it was recorded he must have died.

- Q Did they live upon that land? A Yes sir I know they did.
- Q Did they live on it five years? A Five or six or seven I dont know.
- Q Were there any improvements upon it? A Yes sir.
- Q What improvements - do you know? A He had a mill.
- Q Did he have a store upon it? A I dont think he did/
- Q Did he have any living-house upon it? A Yes sir; a nice dwelling house.
- Q Do you remember anything about any other buildings or barn or outbuildings? A No sir.
- Q Were those improvements upon this property before John Walker took it or did he put them upon it? A I think he put them on it.
- Q Did he have any other property except that in Sumpter County? A Yes sir he had that place in Greensboro.
- Q How far from Sumpter County was that - was that in another County? A In Green County.
- Q How big a place was that? A I cant tell you.
- Q Where did he get that property? A He bought it I reckon; he owned it.
- Q Do you know whether he bought that other peice too in Sumpter County? A No sir; he didnt buy that.
- Q Do you think he bought that in Green County or got that from the government? A He bought that.
- Q He did own some property in Greensboro County before he got the property in the other County? A Yes sir.
- Q Who told you he got the property in Sumpter County from the government? A I heard my parents and uncles say so.
- Q Did they say it was given to John Walker by the government?
- A I heard it spoken through the family and talked about and I knew it was so for everything proved up to be by what they said.
- Q John Walker was a white man was he? A Yes sir.
- Q How did he happen to get this property if he was a white man?
- A Got it thorough my grandmother.
- Q She had Indian blood? A Yes sir.
- Q Did anybody tell you he went to the United States Indian agent Colonel Ward and register ed before him as the husband of an Indian wife? A I dont recollect.

On page 18 volume 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States, number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831, the day the treaty of Dancing Rabbit Creek was ratified their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the fourteenth article of the treaty of Dancing Rabbit Creek. On page thirty two of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin United States Locating Agent, appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age;

that he was awarded by Colonel Martin section twenty nine township nineteen range one east containing six hundred and forty one acres; fractional sections thirty township nineteen range one east containing six hundred and eleven and seventy five one hundredths acres; section twenty eight township nineteen range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres fractional section twenty township nineteen range one east containing eighty nine and sixty one hundredths acres and the west half of the northwest quarter of section thirty two township nineteen range one east containing eighty acres.

- Q Do you know whether that person named in these lists that I have read to you is the same as your grandfather John Walker? A Yes sir.
- Q Are you sure it's the same? A Yes sir.
- Q What makes you think it's the same one? A Because I've been taught it. Knew their names and how many there was.
- Q You said there were four children living in 1830 and this recordsays there were seven? A I said three
- Q You said four and this record says there were seven at that ti time.
- A In 1830.
- Q Yes.
- A I reckonthat's right.
- Q What's right.
- A There were seven children.
- Q But you stated there were four; you stated there were four living and three born after the treaty was made.
- A Well I'm not sure about that; all I know there was four born in sumpter.
- Q The record shows that the Indian wife of John Walker was one half Choctaw; you say one quarter; is that the same person.
- A No I didn'tunderstand the questions.
- Q You said your grandmother Mary Frances had one half after add her mother your great grandmother was one half - dont you remember you testified to that; you said your great grand-mother was one half and her daughter was Mary Frances? A Yes sir.
- Q And she was one quarter? A That's the way I counted it; I reckon that's right.
- Q This wife of John Walker, the John Walker who appears in Ward's register was one half Choctaw Indian and couldn't half been the wife of your John Walker who you say was one quarter.? A Yes sir she was the wife of John Walker.
- Q I know but your Mary Frances Walker had one quarter Choctaw blood and the wife of John Walker in the registry list had one half; there's some mistake there isn't there? A There must be; I reckon I made a mistake.
- Q You are not quite right about that? A No I'm not right about that; my grandmother must have been one half.
- Q Now you will go on and make any corrections you wish to if you made a mistake in your testimony you will be allowed to correct it.
- A I was alking from my children -- I was calling my grandmother my great grandmother; I got mixed up that way sometimes; now my grandmother was half.
- Q Who was your grandmother? A Mary Frances Walker.
- Q Was your mother Mary G. Woodall whose name was Mary Mary G. Walker before she married, the daughter of John Walker and Mary Frances Walker? A Yes sir.

- Q When did you say she was born? A In 1825 .
- Q Where was she born at that time? A I dont remembre; I was too young; I dont know anything about the dates much.
- Q Did you state that she was one of the seven children of John Walker and Mary Frances Walker? A Yes sir.
- Q I think you stated that in 1830 they had four children - did you mean it? A Had seven children in 1830/
- Q Was Mary Frances Walker the youngest of these seven children?
- A No sir I dont think she was the youngest; I cant tell you exactly.
- Q A little while ago you stated she was the youngest? A I was excited I reckon; I got mixed up.
- Q Do you think she was the youngest? A No sir; I know she wasn't the youngest because I had one uncle younger than my mother.
- Q Well besides that uncle was there anybody younger? A Yes sir; there was some dead. There was two died.
- Q Died before 1830 did they? A I cant tell you.

The Indians who remained back in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; his neglect to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved May 3 of that year and also in 1842 by an act approved August 23 of that year Commissions were appointed by Congress to go to Mississippi and hear those Mississippi Choctaw applicants who claimed benefits under article fourteen of the treaty of Dancing Rabbit Creek; they did hear all who came before each one of them in the respective years and made lists of the names of those applicants, which were forwarded to Washington to the proper authorities;; some of the names on those lists were approved and some were rejected

- Q Do you remember if any of your Choctaw ancestors went before either of those Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A They claim my grandfather did.
- Q Before which Commission that of 1837 or 1842? A Well I dont know exactly about that.
- Q Did you ever hear of the Commission of 1837? A Yes sir I suppose I've heard of it.
- Q Through whom have you heard of that Commission? A Well it was through the family.
- Q Your mother? A Yes sir and my father; seems like my father; I heard him speak of it.
- Q I am speaking now of the Commission of 1837; did you ever hear that any ancestor of yours John Walker or anyone else went before the Commission of 1842? A No sir I dont remembre

The act of Congress approved August 23 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and also proved that he had had land in the old Choctaw Nation which the government had taken from him and sold that he could have land in Mississippi

Alabama Louisiana or Arkansas and that he could select that land in any one of those states and that his authority to select it was a certificate or scrip as it was called in those days.

- Q Did you ever hear that John Walker or Mary Frances Walker or any other of your Choctaw ancestors received any such scrip from the government under that act of Congress? A Yes sir.
- Q You heard that who did so? A My grandfather I think.
- Q Your grandfather received such scrip did he? A Yes sir I think he did; I'm not certain I know he got the land.
- Q Who told you that your grandfather received such scrip from the government? A I cant tell you; I just heard it talked.
- Q By some member of the family? A Yes sir.
- Q Is that your best recollection? A He might have not received the scrip until afterwards but I dont understand it exactly.
- This scrip was a certificate; was a paper which authorized the holder to select land in Mississippi Alabama Louisiana or Arkansas; it was issued under an act of Congress that was approved August 23, 1842. You did hear that he received such scrip as that? A Yes sir I heard talk of it.
- Q Do you remember whether that land was selected under that scrip or not? A Yes sir; got under it.
- Q Did you ever see that scrip yourself? A Not that I remember of.
- Q Do you remember whatever became of it? A Yes sir he dsold it.
- Q Sold the land? A Yes sir.
- Q Do you know where the scrip was deposited or what became of that certificate - that piece of paper? A No sir I dont.
- Q Do you know of anybody that ever saw it? A No sir.
- Q Do you know of anybody in the family that ever saw it? A My mother's dead and I cant say. I dont remember; I was small.
- Q Do you know of anybody in the family who ever saw any patent that was given to John Walker or any of your Choctaw ancestors for land deeded by the government. A Patent would be a deed. D ey you know anybody that ever saw that patent? A Yes sir I reckon; I dont know for certain that he got the patent.
- Q How do you know he got it? A I heard he did.
- Q Did you ever see it yourself? A No sir.
- Q Did you ever see anybody who did see it? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything more you want to say about this case? A No sir.
- Q Would you like a little time to introduce other testimony? A Yes sir.

Time is allowed this applicant up to and including the 31st day of August for the introduction of other testimony in support of this application.

Examination by Mr. Redwine attorney for applicant

- Q What part Choctaw do you claim to be? A One eighth.
- Q You say you are sixty six years of age? A Yes sir.

- Q Were you ever in court before? A No sir.
- Q Is your memory real good? A No sir; not good at all; I cant remember very well
- Q You claim through your mother do you? A Yes sir.
- Q And what was your mother's name? A Mary G. Woodall.
- Q What was her maiden name? A Mary G. Walker.
- Q What part Choctaw would she be you being an eighth what part did she claim sir was? A One quarter
- Q From whom did she derive her Indian blood? A From her mother.
- Q What was her mother's name? A Her mother's name was Mary Frances Chambliss.
- Q That was her maiden name? A Yes sir.
- Q What was her married name? A Mary Frances Walker
- Q What part Choctaw was she? A My grandmother?
- Q Yes. A She was half.
- Q She would be half; then you were mistaken this morning when you said she was one quarter? A Yes I was mistaken.
- Q Can you go any further back and name who your great grandmother was? A No that's as far as I can go.
- Q You claim though your grandmother Mary Frances Walker who was the wife of John Walker? A Yes sir.
- Q Was John Walker a white man? A Yes sir.
- Q You stated this morning that John Walker and his wife Mary Frances Walker had seven children? A Yes sir.
- Q You further stated that three of those children were born after 1830? A I was wrong then; I got wrong; got excited ; they was all born before 1830; she had those children in 1830.
- Q You mean to say then that her children were born and living in 1830? A Yes sir.
- Q Now can you be positive as to the oldest and the youngest or dont you remember; just state what your recollection is.
- A Elizabeth was the oldest and had a brother was the youngest William.
- Q Do you know who was next to him? A I dont exactly know how it comes - the others in rotation.
- Q You dont remember as to that? A No sir.
- Q I believe you stated this morning that your mother was the youngest? A I am not positive whether she was the youngest girl or not; I dont know.
- Q You dont remember as to that? A No sir.
- Q You have seen part of your uncles and aunts have you not?
- A Yes sir I have seen them all except the oldest uncle and one of my aunts.
- Q Did you ever see your grandmother Mary Frances Walker? A Yes sir I have seen her.
- Q When did you see her? A At father's.
- Q Where was that? A In Sumpter County.
- Q How old were you at that time? A I think I was - the last time when she left us I must have been twelve or thirteen.
- Q Was that the last time you saw her when you were twelve or thirteen years old? A Yes sir. When she went to my uncle's.
- Q Had she been living with your father previous to leaving?
- A Yes sir.
- Q How long was she living at your father's house? A She was living there seven or eight years I think.
- Q Did you ever hear her speak about any land which she and her husband and children received from the government? A Yes sir.
- Q Where was that land located? A In Sumpter County on the Tom Bigbee river.
- Q Did you ever hear her say whether or not she lived on this

- land? A Yes sir I think she lived there a while perhaps seven or eight years.
- Q Did she say from what source this land was obtained - whether or not it was from the government or from any other source? A Yes sir from the government.
- Q Did she ever say anything about being part Indian to you; did you ever hear anything said by your grandmother Mrs Walker or by your mother Mrs Woodall about either of them being part Indian or yourself? A No sir I never hear her talk about it; I've heard it named in the family; I never heard my grandmother talk about their being part Indian.
- Q Did you ever hear your mother? A I think I have.
- Q You dont remember about when it was it was talked in the family? A It was talked in the family but, we didn't want to claim it. Just talked in the family
- Q Did you ever see your uncle Gouldsby Walker? A Yes sir.
- Q How old were you when you last saw him? A I dont know exactly; he come out to see us ; I reckon I was about thirty or thirty five.
- Q Where were you living at that time? A I was living in Sumpter .
- Q Did he visit you? A Yes sir.
- Q Were you married then? A Yes sir.
- Q Did you ever hear him speak of the home place near the Tom Bigbee river? A No sir I dont think I did.
- Q Did you ever hear him speak the Indian language? A No sir.
- Q Do you know whether or not he could speak the Indian language? A I've heard he could. I never heard him.
- Q You have heard that he could speak it but never heard him yourself? A If I did I have forgotten.
- Q You stated that after your grandmother left your father's house she went to live with Gouldsby Walker her son? A Yes sir.
- Q What part of the state of Alabama or Mississippi was that? A Sunflower County.
- Q Did she die there? A Yes sir.
- Q You stated that from what your parents told you - that is Mrs Walker and your mother - that the John Walker and his wife who appears on Colonel Wards register is your grandfather and grandmother? A Yes sir.

Examination by the Commission.

- Q Mrs Lee what relation is Alberta W. Gains to you? A She 's a cousin.
- Q She has been before the Commission to be identified as a Mississippi Choctaw hasn't she? A Yes sir I think so.
- Q Would you like to have you case considered with her case and consolidated with hers and all others applicants who have appeared here claiming through the same common ancestor as you
- A Yes sir.

The consolidated case of Alberta W. Gains et al M.C.R. 4639 is here referred to for the purpose of consolidation of all those cases claiming through the same common ancestor.

- Q Mrs Lee you stated a little while ago in your testimony that your grandmother Mary Frances Walker had one quarter Choctaw blood and then it appears you said you made a mistake and that she had one half Choctaw blood? A Yes sir.
- Q Now you see you made two statements ; which is right? A The last statement.

- Q Why do you know the last statement is right and not the first; what makes you think the last is right and not the first.
- A Because I heard it spoken of that way; I remember it that way
- Q Then your memory had failed you a little or do you think you heard it spoken of in both ways; that she had one quarter and had one half. A No sir I made a mistake this way; I was thinking about it being my children's grandmother and I just counted from that.
- Q When you made a statement that Mary Frances Walker had one quarter Choctaw blood you said your great grandmother whose name you couldn't give had one half and that her daughter had one quarter.
- A Yes sir; I don't know anything about my great grandmother. I made a mistake there.
- Q Then later on you stated at one time that you claimed one eighth Choctaw blood and changed then to one sixteenth Choctaw blood; now which was right? A One eighth.
- Q What makes you think that is right? A Because my grandmother was one half.
- Q Well if your grandmother was one half you would be one eighth and then you think you made a mistake when you said one sixteenth? A Yes sir I know I did.
- Q Did you make a mistake when you said there were seven children of John Walker and Mary Frances Walker and three of them were born after 1830? A Yes sir I made a mistake there.
- Q Can you explain to the Commission how it was you made that mistake? A Yes sir; I think the way it came up; they lived on the Sumpter place a while and there was three over ten and three under ten; I got it mixed up that way.
- Q A little while ago the first statement you made in regard to these seven children was that your mother Mary was the youngest child and born in 1816; now later on you said that William was the youngest? A She was the youngest girl, was what I meant.
- Q Now do you mean to say that your mother was born in 1816 and after that three boys were born. A After my mother.
- Q Yes. A I don't remember the dates.
- Q Isn't it a fact that it's pretty easy to forget some of those things a good while ago? A Yes I can't remember; sometimes some of it comes back to me.
- Q Your memory is a little bit uncertain about some of these things I presume? A Yes sir.

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This applicant has the appearance and physical characteristics of being a person of white parentage; has blue eyes; fair complexion.

- Q Was your hair formerly brown or black. A Nearly black.
- Q Was it real black? A No sir; it wasn't real black.
- Q Dark brown? A Nearly a black.

Hair she says was formerly nearly black now gray; she has no knowledge of the Choctaw language and claims to be a direct lineal descendant of John Walker who signified for his family to Colonel Ward United States Indian Agent within six months after the ratification of the treaty of Dancing Rabbit Creek an intention to remain in Mississippi and become citizens of the states and take land under the fourteenth article of the treaty of Dancing Rabbit Creek.

M.R.Lee 14

- Q You also stated that you heard through your mother and others that your grandfather John Walker appeared before one of the Commission s either of 1837 or 1842 ; are you positive about that? A About what.
- Q About his appearing before either one of the commission s of 1837 or 1842? A Yes sir.
- Q Are you also positive ~~xx~~ when you stated in your previous examination that John Walker received scrip under an act of congress approved August 23 1842? A Yes sir.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14 day of August 1902

B. E. Jones
Notary Public.

COPY.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6175.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Martha E. Lee,

Lacey, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson.	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooley, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Giltford Marshall, Orlando H. Ryan, John Giltford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carrel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James Kirby.
Chairman.

Register.

MCR-6173.

Muskogee, Indian Territory, March 16, 1907.

Martha E. Lee,
Lacey, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name ~~Amie A. Thompson~~
 Martha E. Lee.
 Age 66 — Blood ~~48~~ $\frac{1}{16}$

Post-Office, Lacey, Miss.

Father: Little Woodall, d

Mother: Mary B. " d

Claims through mother —
 husband Wm. H. LEE, l, w.

No claim for
 husband —

Children:

Claims for self
 alone —

Stenographer Clara Mitchell Wood.

Choctaw MCR 6176

• Mary E. Shamburger

See MCR 4639

MCR 6176

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 22, 1902.

#6176.

In the matter of the application of Mary E. Shamburger for the identification of herself and her eight minor children, Arthur E., Daniel H., Herbert J., Mary E., Roland L., Leonard S., Rivers E., and Horace I. Shamburger, as Mississippi Choctaws.

W. N. Redwine, Attorney for Applicants.

Mary E. Shamburger being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Shamburger.
Q What is your age? A Forty-eight.
Q What is your post office address? A Pennington, Alabama.
Q How long have you lived in Pennington? A Lived in Pennington nearly twelve years.
Q How long have you lived in Alabama? A All my life.
Q That is your native state? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W. H. Lee.
Q What is your mother's name? A Martha E. Lee.
Q Is that the application who has just been before the Commission previous to this application made by you? A Yes sir.
Q Do you want to have your case considered with hers by the Commission? A Yes sir.
Q Do you claim through the same common ancestor through whom Alberta W. Gaines makes application? A Yes sir.
Q Is she related to you? A Yes sir.
Q Do you want to have your case consolidated with hers and others claiming under the same common ancestor? A Yes sir.

The consolidated case of Alberta W. Gaines, et al., M C R 4639, is here referred to for the purpose of consolidation.

- Q Do you claim through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Elbert J. Shamburger.

Mary E Shamburger—8

- Q Is he living? A Yes sir.
- Q A white man or an Indian? A He is a white man.
- Q Do you make any claim for him? A No sir.
- Q Now, give me the name of your oldest child under twenty-one years of age and unmarried for whom you wish to make application? A Arthur E. Shamburger.
- Q How old is Arthur? A Twenty.
- Q Now the next? A Daniel H.
- Q How old? A Seventeen.
- Q The next? A Herbert J.
- Q How old is Herbert? A Fifteen.
- Q The next? A Mary E.
- Q How old? A Thirteen.
- Q The next? A Roland L.
- Q How old? A Ten.
- Q Next? A Leonard S.
- Q How old? A Eight.
- Q Next? A Rivers E.
- Q How old? A She is three.
- Q Thats a girl? A Yes sir.
- Q The next? A Horace I.
- Q How old? A One year old.
- Q Do you claim for yourself and these minor children? A Yes sir.
- Q Have you any other children over twenty-one years of age? A Yes sir.
- Q How many? A Six.
- Q Are they here? A Four of them are here.
- Q Give me the names of those children who are not here before the Commission to make application today, those who are here will be recorded in their applications? A Samuel S. Shamburger.
- Q Is she married? A No sir.
- Q How old is Samuel? A He is twenty-seven.
- Q What is his post office address? A Pennington, same as mine.
- Q Now the name of the other who is not present? A Beulah Alma Shamburger.
- Q How old is she? A Twenty-one.
- Q What is her address? A Pennington, Alabama.
- Q That is all of your family then? A Yes sir, the others are all here.
- Q Is Elbert J. Shamburger the father of these minor children and also these children who are of age? A Yes sir.
- Q Are you living with your husband at his home and are these minor children living with you there? A Yes sir.
- Q Is your name together with the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No sir.
- Q Have you with your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever prior to this time made application for yourself

and children to be admitted or enrolled as members of the Choctaw tribe of Indians to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A I don't know sir, whether I do or not.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made at a place in Mississippi called Dancing Rabbit Creek between the United States government and the Choctaw Indians on the 27th day of September, 1830. A treaty is a contract or more properly speaking a compact made between Nations instead of between individuals; an article in a treaty is one of its sections or sub-divisions dealing with a part of the general subject of the treaty. The object of this treaty was to remove from that old Choctaw Nation east of the Mississippi to the Choctaw Nation, Indian Territory, every member of the old Choctaw tribe of Indians. The government desired to get them on government land where they might be better protected than they were in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama. It was impossible to remove these people as a Nation without their consent, which was given when they signed the treaty of 1830, by which treaty they agreed to go. Some of them were unwilling to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation this article called article fourteen under which you are now making this claim was put into the treaty of 1830. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall hereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in t at case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, b t if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that do you well enough to claim under it? A Yes sir.

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830?

- Q I have heard that my great grandpa did.
Q What was his name? A John Walker.
Q Was he a Choctaw Indian? A No sir.
Q Do you know what his blood was? A No sir, I don't.
Q What was the name of his wife? A Mary Frances Walker.
Q Did she have Choctaw blood? A Yes sir.
Q How much? A One-half.
Q How do you know she was a half blood Choctaw Indian? A I just heard it is all I know.
Q When did you hear first? A Well, it has been in this year I believe.
Q Within three or four months? A I suppose so.
Q That is the first time that you knew that you had an ancestor who had Choctaw blood? A Yes sir.
Q How did you first hear, in what way and through what source did you first hear? A I don't hardly remember, through my uncle.
Q What was his name? A Woodall, William A.
Q He has made application to be identified before the Commission? A Yes sir.
Q How old would John Walker be if he were living now? A I don't know sir.
Q When and where was he born? A I don't know that either.
Q When and where did he die? A I don't know.
Q When and where was his wife, Mary Frances Walker, born? A I don't know where she was born, I reckon she was born in the Choctaw nation in Mississippi,- I don't know where she was born.
Q When and where did she die? A She died in Mississippi.
Q Do you know where in Mississippi? A On Sunflower river.
Q In what county? A I don't know.
Q How old was she when she died? A I don't know that.
Q And don't know how long ago? A No sir, as I was born 48 years ago, I can't tell, she ~~was~~ died when my mother was a little girl.
Q Martha E. Lee was Martha E. Walker? A My mother was Martha E. Woodall.
Q That is your great grandfather, John Walker? A Yes sir.
Q Did you ever see John Walker? A No sir.
Q Did you ever see Mary Frances Walker? A No sir.
Q Do you know whether Mary Frances Walker spoke the Choctaw language or had a Choctaw Indian name? A No sir.
Q Did you ever hear that John Walker and his wife, Mary Frances Walker, lived in the state of Alabama or in Mississippi in what was known as the old Choctaw Nation in 1830 and that they had children living there at that time? A Yes sir, I have heard that through my people.
Q Now what people do you mean, your mother and others? A Yes sir, I have heard my mother speak of it.
Q And anybody else? A Well, I have heard uncle William Woodall, my uncle, say they lived there, I don't know it.
Q Now, the question is: whom did you hear say that John Walker and his wife, Mary Frances Walker, lived in either Mississippi or Alabama in the old Choctaw Nation and had a family of children living there then? A My uncle, William A. Woodall.
Q Anybody else? A I have heard my mother say so.
Q How did your mother know it, and how did your uncle know it? A I don't know sir.

Mary E Shamburger-----5

- Q Where did they live in Mississippi or Alabama in 1830? A I don't know where they lived.
- Q Did you ever hear that they lived at any time in Alabama? A Yes sir, I have heard that they lived in Alabama.
- Q Where in Alabama? A In Sumpter County.
- Q Did you ever hear that they had any land there in Sumpter County? A Yes sir, I heard that they had land there.
- Q Did they have land there in 1830 or 1831? A I heard they did.
- Q You heard that through your mother? A My mother and my uncles.
- Q How much land did they have? A I don't know sir.
- Q Can you bound it or describe it in any way? A No sir, I can't.
- Q Can you locate it near any river or county? A On the west side of the Tom Bigbee river.
- Q Did you ever see that land? A No sir.
- Q Ever see a deed or patent of it? A No sir.
- Q Do you know whether any patent was issued for it? A No sir.
- Q Do you know whether that land was patented to John Walker or his wife, Mary Frances Walker? A No sir, I don't know that either.
- Q Do you know whether John Walker and Mary Frances Walker occupied that land at any time? A No sir, I don't know it, I have heard it.
- Q Who did you hear it through? A Through my uncle that they did.
- Q Anybody else? A My mother says she did not know for certain whether they lived there or not, she thinks they did.
- Q How old is your mother now? A Sixty-six.
- Q Did your mother know Mary Frances Walker? A Yes sir, she says she has stayed with her some at her home and at her father's too. She lived with my mother's father some years, I don't know exactly how long.
- Q You claim through your mother? Martha E. Lee? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A Yes sir, she lived in Alabama and now lives in Mississippi.
- Q Where in Alabama? A In Choctaw.
- Q Your mother claims her Choctaw blood through which parent? A Her mother.
- Q What was her mother's name? A My mother's mother's name was Mary G. Woodall.
- Q What was her maiden name? A Mary G. Walker.
- Q Did she live in Alabama? A I don't know sir whether they did or not, I reckon they did.
- Q Do you know whether she lived there in 1830? A No sir, I don't.
- Q Do you know whether she had any brothers or sisters? A No sir I don't know it, I have heard that she did, from my mother and my uncle too.
- Q Do you know how many brothers and sisters she had? A Four brothers and three sisters.
- Q Then that would have made eight in that family? A No sir, there is four boys and three girls.
- Q Including herself? A Yes sir.
- Q And they were the children of whom? A Mary Frances Walker and her husband, John Walker.
- Q These seven are the children of Mary Frances Walker and her husband, John Walker? A Yes sir.
- Q Do you know whether they were living in 1830 or whether some of

- them were born after that year? A No sir, I don't know.
- Q Were some of them living in Alabama in the old Choctaw Nation in 1830 or 1831? A I don't know, I have heard it.
- Q You have heard it in the family? A Yes sir.
- Q Can you tell the names of these children? A John and James and William and Goulsby, and Elizabeth, Nancy and Mary.
- Q Which was the youngest? A I don't know.
- Q Which was the oldest? A I don't know sir.
- Q Who was born after 1830? A I don't know sir.
- Q You don't know whether any were do you? A No sir.
- Q Through which one of these are you descended? A Mary.
- Q You never heard that Mary was the youngest of those children? A No sir.
- Q Did any of your Choctaw ancestors, and particularly John Walker, go to the United States Indian Agent, Colonel William Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states, making this application on behalf of his wife, Mary Frances Walker, whom you claim was a Choctaw Indian? A I have heard that he did, I don't know.
- Q Through whom did you ever hear that? A My uncle and mother.
- Q Did you ever hear that Mary Frances Walker went with him to the Indian Agent? A No sir.
- Q What was the result of his trip to the United States Indian Agent and the making of this application, was he placed upon any list or register made by Colonel Ward? A I don't know sir.
- Q Did you ever hear of Colonel William Ward? A No sir.

He was the United States Indian Agent of the Choctaw Indians in the state of Mississippi, and held an office there as late as 1831 and during the six months after the ratification of the treaty of 1830, that is six months from February 24th, 1831, and received at his office or agency in the state of Mississippi applications of Indian applicants who came before him claim the right to be registered under article fourteen of the treaty of 1830.

- Q Did John Walker go to him during that time? A Well, I don't know.
- Q Do you know whether his name appears upon Ward's registry list? A No sir.
- Q Do you know whether John Walker, whom you claim had some land in the state of Mississippi, or in Alabama, in the old Choctaw Nation in 1830 or 1831, received that land from the government under article fourteen of the treaty of 1830 on behalf of his wife? A No sir.
- Q Did you ever hear that? A Yes sir, I have heard it.

On page 18 Vol. 1., of the records of the Court of Claims in the cases of the Choctaw Nation of Indians against the United States, No. 13742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the

name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children. It does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three-quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin, United States locating agent, appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin, the locating agent, land, a description of which more fully appears on page 32 of a copy of the list of reservations in Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians against the United States.

- Q Are you able to swear that the John Walker whose name appears upon that list which has been read to you is the same John Walker whom you claim to be your great grandfather? A No sir, I can't swear to that.

The Indians who remained back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to Colonel Ward, the United States Indian Agent, at his office in Mississippi within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, become citizens of the states and take land there. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register." Because of his neglect to make proper registration of all the Choctaw Indians who appeared before him at his office and desired to register under article fourteen of that treaty a great many Choctaw Indians had their land which they held in the old Choctaw Nation taken from them and sold by the government. This caused so many complaints among the Choctaw Indians that on account of the complaints made Congress appointed a Commission under an act of Congress approved March 3rd, 1837. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act of Congress approved August 23rd of that year Congress appointed another Commission for the same purpose; this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did you ever hear that any of your Choctaw ancestors, particularly John Walker or his wife Mary Frances Walker, or John Walker for his wife, Mary Frances Walker, went before either of these two Commissions and claimed any benefits under article fourteen of that treaty? A Yes sir, I have heard it.
- Q Before which Commission did they go, that of 1837 or that of 1842? A I don't know sir.
- Q You are sure about that? A Yes sir,-- I don't know.
- Q You are sure about them having gone before the Commission of

1837 or the Commission of 1842? A I have heard that.

- Q You heard that just as positively and surely as you heard any of these facts with reference to them and to your Choctaw ancestors? A Yes sir.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi or in Alabama in the old Choctaw Nation which the government had taken from him and sold he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, and that scrip or certificates would be issued to him to that effect.

Q Did John Walker receive any such scrip which entitled him to select land? A I don't know.

- Q Did you ever hear that he did? A Yes sir I have heard it,— no sir, I have heard some people say he did but I never heard it through any of my people; some old people around there said he did.

Q Under the act of Congress of August 23rd, 1842? A No sir, not then.

Q That scrip was issued under that act of Congress? A No sir, I don't know nothing about that scrip.

Q If he received any scrip at all it was after that time? A No, I may be mistaken about that scrip.

Q You don't know about that? A No, I don't know about that.

Q You heard your mother testify a little while ago? A Yes sir.

Q She said she understood that John Walker did receive such scrip issued under the act of Congress of August 23rd, 1842, what do you think about it? A I don't know sir, I never heard her say much about it. It seems like I have heard something about the scrip but can't tell anything about it.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence that you want to introduce now in support of this application? A No sir.

Q Do you care for a y time in which to introduce other testimony in support of this claim? A No sir, I don't know.

By Mr. W. M. Redwine, attorney for applicant: We would like until the 31st of August.

By the Commission: Your attorney, Mr. Redwine, said he would like a little time, and you will be allowed time up to and including the 31st day of August, 1902, for the introduction of additional testimony in this case, if presented under the rules of the Commission.

By Mr. Redwine:

Q You said in your chief examination that you heard through your relatives that John Walker and his wife and children selected land under the treaty of 1830? A Yes sir.

Q There was something further said in regard to a question asked you by the Commission about him receiving scrip in 1840 or 1841 and you said you had heard he did, and you state now I believe that you don't remember anything about that? A No, it did seem that possibly I had heard something, but I don't know anything

about it.

- Q You correct that statement? A Yes sir, I correct that.
Q And state that you were mistaken about that? A Yes sir.
Q You heard what your mother said as to John Walking receiving scrip in 1837 or 1840? A Yes sir.
Q You never heard her mention that until she testified today?
A No sir.
Q Never heard anything about that until she testified? A No sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, medium fair complexion; does not understand or speak the Choctaw language. She claims to be a direct lineal descendant of John Walker, who signified for his family to Colonel William Ward, United States Indian Agent in Mississippi, within six months from February 24th, 1831, an intention to remain in Mississippi and become citizens of the United States and take land under the 14th article of the treaty of Dancing Rabbit Creek.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 22nd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1902.

W. H. Martin
W. H. Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6176.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Mary E. Shamburger,
Pennington, Alabama,

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Tamm Dixey.
Chairman.

Register.

MCR-6176.

Muskogee, Indian Territory, March 16, 1907.

Mary E. Shamburger,
Pennington, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Mary E. Shamburger.

Age 48 - Blood 1/16

Post-Office, Tennington, Ala. -

Father: W. H. Lee, l

Mother: Martha E. Lee, l

Claims through mother -
husband
Elbert J. Shamburger, l. w.

No claim for husband.

Children:

Arthur E. Shamburger, 20

Wanire H. " 17

Herbert J. " 15

Mary E. " 13

Roland L. " 10

Leonard S. " 8

Rivers E. " F. 3

Horace I. " 1

Claims for self
and minor children.

Stenographer W. H. Martin

Choctaw MCR 6177

Zachariah W. Lee

See MCR 4639

MCR 6177

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 22, 1902.

#6177.

In the matter of the application of Zachariah W. Lee for the identification of himself and his two minor children, Corrine N., and Lena Pool Lee, as Mississippi Choctaws.

W. N. Redwine, Attorney for Applicants.

Zachariah W. Lee being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Zachariah W. Lee.
Q What is your age? A Forty-two.
Q What is your post office address? A Lacey, Mississippi.
Q How long have you lived in Lacey? A About eight years.
Q Where were you born? A In Choctaw County, Alabama.
Q And did you remove from Alabama to Mississippi? A Yes sir.
Q And are living in Mississippi now; you have only lived in those two states? A That's all.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William H. Lee.
Q What is your mother's name? A Martha E. Lee.
Q Through which parent do you claim Choctaw blood? A My mother.
Q Has she been before the Commission recently? A I think she was here today.
Q Was she before the Commission today? A Yes sir.
Q How much Choctaw blood do you claim through your mother? A About one-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Ophelia Young, Lee now.
Q She is now living? A Yes sir.
Q Is she a Choctaw or a white woman? A White woman.
Q Do you make any claim for her as a Choctaw? A No sir.
Q Give me the names of your children under twenty-one years of age and unmarried that you desire to apply for? A Corrine N.
Q Is that a girl or boy? A Girl.
Q How old is Corrine? A She is fifteen, Lena Pool is the next one.
Q How old is Lena? A Eleven.
Q You claim for yourself and these two children? A Yes sir.

Zachariah W Lee-----2

- Q Have you any children over twenty-one years of age and married?
A No sir.
- Q Is Ophelia Lee the mother of these children? A Yes sir.
- Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
- Q When and where were you married to your wife? A In Ellisville, Mississippi.
- Q When were you married? A In '84.
- Q By a minister under a license? A Yes sir.
- Q Have you the proof of your marriage with you now? A Yes sir,-- I said a minister, it might not have been a minister it was an officer though. (Presents a paper)
- Q Is this the original? A No sir, a copy.

A certified copy of the marriage certificate of the marriage between Z. W. Lee and Mrs. O. A. Young presented by applicant received, filed, and made a part of the records in this case, marked "Exhibit A" .

- Q Is Z. W. Lee in this marriage certificate your name and intended for Zachariah W. Lee? A Yes sir.
- Q And is Mrs. O. A. Young your wife, Ophelia Lee? A Yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission for your self and children under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind whatever you have ever made for yourself and children to be enrolled as Choctaw Indians to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think so, yes sir.
- Q Do you care to have it explained any further? A I don't know that it is necessary, I have heard it several times and I think I understand it.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled

to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such Child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I think it is through my mother.
- Q Go back to your original ancestor who lived in Mississippi or Alabama in 1830? A John Walker and Mary Frances Walker.
- Q Did John Walker or Mary Frances Walker or John Walker for her or any other Choctaw ancestor of yours comply or attempt to comply with article fourteen of the treaty of 1830? A I have heard that they did.
- Q Was John Walker a Choctaw Indian? A I think not sir.
- Q What was his blood? A His blood was white, I can't tell you his nationality.
- Q He was as far as you know a white man? A Yes sir.
- Q What was his wife, whose name was Mary Frances Walker? A She was one half Indian.
- Q What was her maiden name? A I can't tell you.
- Q Did they live in Mississippi or in Alabama? A They lived in Alabama to the best of my knowledge.
- Q Do you know where in Alabama? A I have heard my mother say in Greensboro.
- Q Is that county or town? A I think that was a town, and some times in Sumpter county.
- Q Was that in what was known as a part of the old Choctaw Nation in Mississippi and Alabama? A I can't tell you that.
- Q Did they live there in 1830 and have a family of children living there they? A I can't tell you.
- Q Did you ever hear how many children they had? A I have heard they had seven.
- Q But you don't know whether they were living at that time or not? A No sir.
- Q Did they comply with article fourteen, or did either of them, or did the husband for his wife, by going to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and register with him under article fourteen of the treaty of 1830? A I have heard that he did.
- Q Did you ever hear that she went in person or with her husband? A No sir, I never heard that.
- Q What was done with reference to this application made by him, was he accepted and was he put upon Colonel Ward's list or was he refused? A I can't tell you.
- Q You never heard? A No sir.
- Q Did he ever have any land in Alabama in the old Choctaw Nation? A I have heard that he had some land there.
- Q Did he have it in Sumpter County or Greensboro County? A Sumpter County.
- Q Did he get that land from the government or from some other source, private source by paying for it? A I don't know.
- Q You never heard? A No sir, all I can tell you about that my recollection is that he got it through the government

some way, I can't tell you about it though, I don't know.

Q When was the first that you knew that you had a Choctaw Indian ancestor? A I have heard it talked for the last two months more than I ever did in my life.

Q You practically received the information within the last two months? A Yes sir.

Q Before that time did you know anything about it at all? A I have heard my mother speak a little something about Indian blood in the family seems like when I was a boy, but not to amount to anything, I just have a faint recollection.

Q You claim through your mother? A Yes sir.

Q What was her maiden name? A Martha Woodall.

Q She claimed through whom, her father or mother? A Through her mother.

Q Her mother's name was what? A Woodall.

Q What was her mother's name? A Her maiden name was Mary Walker.

Q Was Mary Walker the daughter of John Walker and his wife, Mary Frances Walker? A Yes sir, they claimed so.

Q Did Mary Walker at any time live in Alabama or Mississippi?

A My mother told me she did live with her father a while in Sumpter County Alabama.

Q Did you ever hear that she lived in Mississippi? A Yes sir, after she left Choctaw or Sumpter County, Alabama and come into Mississippi and died there with her son.

Q Do you know where Mary Woodall nee Walker was born? A No sir.

Q Did you ever hear that she was the youngest of the children of John Walker and Mary Frances Walker? A No sir, I have heard my mother speak about it but she doesn't remember much about them. I think she said she was the youngest child, I am not positive of it.

Q She has testified two different ways, first that Mary Woodall or Walker was the youngest of the seven children, and then she said the youngest of the girls, but have you any recollection of what she stated? A By my mother here a while ago in her statement?

Q I mean did you ever hear her state anything about that previous to that any time? A Yes sir I have heard her speak about it, and I think she made a mistake here a while ago; she has always told me that there was some younger than her mother. Q She did not state here that there was some younger than her mother, she said that William was younger? A That is what I say, she said there was some younger than her mother.

Q But she did not say there was "some" younger than she at all, she said that "William" was younger? A I think that is right.

Q Do you know anything about this land that there was some statement about John Walker having in Sumpter County, Alabama, do you know where it was located and how much there was of it?

A No sir.

Q Do you know whether it was gotten from the government or not?

A No sir, I don't know.

Q Do you know whether there was one section or more in that land?

A No sir.

Q Did it have any improvements on it? A I don't know.

Q Did it have a mill on it? A I heard mother say there was a mill on it.

Q That would be an improvement? A Yes sir.

- Q How was that land located with reference to the Tom Bigbee river? A I heard it was on the west side of the Tom Bigbee river.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states, and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. In said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin, United States locating Agent, appears the name of John Walker; it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin land, more fully described on page 32 of a copy of the list of reservations in Vol. 1 of the records of the court of Claims in the cases of the Choctaw Nation of Indians vs the United States.

- Q Are you able to positively swear that this John Walker named in Ward's registry list is your great grandfather, John Walker? A I can't tell you, no sir.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register; his failure to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused many complaints that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 Congress appointed another Commission under an act of Congress approved August 23rd of that year; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article of that treaty? A I think they did.
- Q Before which Commission did any ancestor go? A I don't know.
- Q Who went before either of them? A I heard that John Walker did.
- Q Are you just as positive about that fact as about any other fact with reference to his complying with article fourteen? A Yes sir, thats my understanding.
- Q You are sure that he went before one of those Commissions, either the Commission of 1842 or the Commission of 1837? A Yes sir.
- Q Did you hear from your mother or grandmother? A My uncle William.
- Q Did you ever hear your mother say anything about that? A No sir, I don't think I did.

The act of Congress approved August 23rd 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had land in Mississippi or Alabama which the government had taken from him and sold that he might select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate or scrip would be given to him to that effect.

- Q Do you know whether John Walker ever received any such scrip from the government which entitled him to select this land? Q I don't know anything about it.
- Q Do you know whether this land which he held in Sumpter County, Alabama, or any other part of Alabama, he held under scrip issued to him by the government? A No sir, nothing about that.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any other evidence you want to introduce now? A No sir not at this time.
- Q Are you related to Alberta W Gaines? A Yes sir, I suppose so.
- Q What relationship? A I guess we are third cousins.
- Q She claims her right throu h John Walker and his wife, Mary Frances Walker, would you like to have your case consolidated with her case and all other relatives of yours claiming through the same common ancestor? A Yes sir.

Special reference is hereby made to M. C. R. 4639, Alberta W. Gaines, et al, the applicants in that case and the applicants in this case being descendants of John Walker and Mary Frances Walker, who the applicant claims complied with the provisions of the 14th article of the treaty of 1830.

By W. N. Redwine, attorney for applicant:

- Q Did you ever hear any of your family state, either your father or mother or any of your uncles, as to whether or not John Walker or his wife or both of them selected lands in 1830 in Sumpter County, Alabama? A I think I have heard them speak of those things, my recollection is that I have heard them talk of those things; I have heard my mother speak of grandmother going on horse back through the country quite a long way going from her home in Supter County to her place to get her rents in the fall of the year.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he

Zachariah W Lee-----7.

has brown hair, blue eyes, medium fair complexion somewhat tanned by exposure to the sun; he does not understand or speak the Choctaw language. He claims to be a direct lineal descendant of John Walker who signified for his family to Colonel William Ward, United States Indian Agent, within six months from February 24th, 1831, an intention to remain in Mississippi and become citizens of the states and take land under the 14th article of the treaty of Dancing Rabbit Creek.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 22nd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of September, 1902.

B. C. Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6177.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Zachariah W. Lee,
Lacey, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogen, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddle Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Sam Diney.
Chairman.

Register.

MCR-6177.

Muskogee, Indian Territory, March 16, 1907.

Zachariah W. Lee,
Lacey, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.



MARRIAGE CERTIFICATE

This Certifies

That *Wm C. W. Lee* *Mrs C. A. Gentry*
of *of*
State of Miss *State of Miss.*

WERE UNITED IN

✦ HOLY MATRIMONY ✦

according to the ordinance of GOD and the laws of the
State of Mississippi at *Ecceville Miss*
on the *1st* day of *Aug* 1884
in the year of our Lord 1884
by *J. M. Shumate* a. appears from
Marriage Record, Vol. 2 Page 108

Witness my hand and seal this *18th* day of *Aug* 1902
Jessie *Jessie M. Bugh*
County Clerk Circuit Court



For Identification as a Mississippi Choctaw.

Date

Name *Zachariah W. Lee*Age *42* Blood *1/16*Post-Office, *Lacey, Miss.*Father: *W. H. Lee, l.*Mother: *Martha E. Lee, l.*

Claims through mother
 wife, *Ophelia Lee, l. w.*
 No claim for wife -

Children:

Corrine N. Lee, 18
Lena P. " 11

Claims for self
and 2 minors -

Stenographer

W. H. Martin

Choctaw MCR 6178

Cora E. Ezell

See MCR 4639

MCR 6178

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 22, 1902.

#6178.

In the matter of the application of Cora E. Ezell for the identification of herself and her five minor children, Thomas R., Ellis W., Julian W., Edgar E., and Oscar J. Ezell, as Mississippi Choctaws.

W. N. Redwine, Attorney for Applicants.

Cora E. Ezell being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Cora E. Ezell.
Q What is your age? A Forty.
Q What is your post office address? A Lacey, Mississippi.
Q How long have you lived at Lacey? A Six years.
Q Where were you born? A In Choctaw county, Alabama.
Q How long did you live in Alabama before you removed from that state? A About thirty-five years.
Q And then you went to Mississippi? A Yes sir.
Q You have lived only in Mississippi and Alabama? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William H. Lee.
Q What is your mother's name? A Martha E. Lee.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth.
Q Is your mother, Martha E. Lee, the same who applied before the Commission for identification as a Mississippi Choctaw on this date, August 22nd, 1902? A Yes sir.
Q Has she ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A J. W. Ezell.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children under twentyone years of age and unmarried that you want to make application for? A Yes sir.
Q Give me the name of the oldest? A Thomas R.
Q How old is Thomas? A 19.
Q Now the next? A Ellis W.
Q How old? A 17.
Q The next? A Julian W.
Q How old? A 15.

- Q The next? A Edgar E.
Q How old? A 13.
Q The next? A Oscar J.
Q How old? A 9.
Q That is all? A Yes sir.
Q You claim for yourself and these five minor children? A Yes sir.
Q Is J. W. Ezell the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
Q Is your name and the names of your children on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Is this the first application you have ever made for yourself and children either to the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir.
Q Do you care to have it explained further? A No sir, I don't think it is necessary.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q You understand that all right do you, you understand the object of that article? A Yes sir.
Q Do you know if any of your Choctaw ancestors complied or at-

Cora E Ezell-----3

tempted to comply with any of the provisions of that article?

A Yes sir, I have heard that they did.

Q Who attempted to comply or who did comply with article fourteen of the treaty of 1830? A John Walker.

Q Who was John Walker? A My great grandfather.

Q Did he live in Mississippi or Alabama? A Yes sir.

Q Which? A I don't know sir.

Q Don't you know whether he lived in Mississippi or Alabama? A No sir.

Q Did he have any Choctaw blood? A Yes sir, I guess he did.

Q You think he had Choctaw blood? A No sir, he didn't, not that I know of.

Q Who had any Choctaw blood? A My great grandmother.

Q Was she related to John Walker? A She was his wife.

Q How much Choctaw blood did she have? A One half.

Q How do you know? A I have heard she did.

Q Who told you she was one half Choctaw Indian? A My mother.

Q Did anybody else ever tell you that? A Well, I heard my uncle and aunt say so.

Q What uncle? A Uncle William Woodall and aunt Julia Brunson.

Q What was her name? A Mary Frances Walker.

Q Now are you sure that your uncle and aunt told you that Mary Frances Walker, wife of John Walker, was one half Choctaw Indian? A Yes sir.

Q You can not be mistaken about that? A I heard them say so.

Q Did she speak the Choctaw language or have a Choctaw Indian name? A I don't know sir.

Q Did she live in Mississippi or in Alabama? A I don't know sir.

Q Did you ever hear where she lived, in what state? A Yes sir, she lived in Mississippi I think.

Q You said you did not know a little while ago? A I don't know for certain, I heard she lived in Mississippi.

Q Who told you she lived in Mississippi? A My mother.

Q Did she never tell you that she lived in Alabama? A I don't know sir.

Q Did she ever have any land or did John Walker hold any land for her in Mississippi or Alabama? A Yes sir, I heard he did.

Q Where? A I don't know sir.

Q Did John Walker and his wife, Mary Frances Walker, live in the old Choctaw Nation either in Mississippi or Alabama in 1830 and have children living with them there at that time? A I heard he did.

Q Where, in Alabama or Mississippi? A I don't know sir.

Q Are you sure it was one or the other? A Yes sir.

Q Was it within the old Choctaw Nation? A I don't know sir.

Q Do you know how much land they held either in Mississippi or Alabama? A No sir.

Q Do you know they held any land? A I heard they did.

Q Where did they get that land? A I don't know sir.

Q Who got it, John Walker or Mary Frances Walker? A I don't know sir.

Q Did John Walker or Mary Frances Walker or either of them or both of them or did John Walker on behalf of his wife, Mary Frances Walker, go to the United States Indian Agent, Colonel William Ward, at his office in Mississippi, at in 1831 and register or attempt to register as a Mississippi Choctaw Indian, claiming

- under article fourteen of the treaty of 1830? A I do n't know sir.
- Q You do not know whether either of them told him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.
- Q Did John Walker or Mary Frances Walker or did John Walker for his wife, Mary Frances Walker, own any land or claim any land in the old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of Dancing Rabbit Creek? A I heard he did.
- Q Where was this land? A I don't know sir.
- Q Are you sure it was in one of those two states? A Yes sir.
- Q Are you sure it was in the old Choctaw Nation in one of those two states? A No sir.
- Q Did you ever hear it was in Sumpter or Greensboro county? A Yes sir, I heard something about Greensboro.
- Q But you do not know whether Greensboro was in Mississippi or Alabama? A No sir.
- Q How much land was there in that county? A I don't know.
- Q How many sections were there? A I don't know.
- Q How was it bounded? A I don't know.
- Q Did you ever hear that this land had any improvements upon it which existed there in 1830 or 1831? A No sir, not that I know of.
- Q Did you ever hear that John Walker's name appeared upon Colonel Ward's registry list as a beneficiary under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear about Colonel Ward? A No sir.
- Q Did you ever hear of Colonel George W. Martin? A No sir.

These were United States officers, one was the United States Indian Agent located in Mississippi in 1831 and before that time, and Colonel George W. Martin was the United States locating Agent who located the land for Mississippi Choctaw Indians after they had registered with Colonel Ward.

- Q Did you ever hear that your ancestor, John Walker, had any land located for him on behalf of his wife, Mary Frances Walker, by Colonel George W. Martin, locating agent in Mississippi? A No sir.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children. It does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three-quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin, United States locating agent, appears the name of John Walker; it appearing that at the time

the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin land fully described on page 32 of a copy of the list of reservations in Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States.

- Q Are you able to testify on oath that your great grandfather, John Walker, is the same John Walker whose name appears upon Colonel Ward's list and upon Colonel George W. Martin's locating list? A No sir.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. This United States Indian Agent, Colonel Ward, was a very poor agent of the government, a poor representative; he was a drinking man, and seems to have been a crank; his whole idea seemed to be to make every Choctaw Indian there in the old Choctaw Nation go from the states of Mississippi and Alabama to the Choctaw Nation Indian Territory, and therefore he refused to record in many instances the names of Choctaw Indians who went to his office within six months after the ratification of the treaty of 1830 whose names ought to have been put upon that registration list. His neglect to do this caused a good many Indians who held land in Mississippi upon which they had improvements to have their land and those improvements taken from them by the government and sold at its public land sales. The locating Agent, Col. George W. Martin, had no discretion but to take from these Indians the lands they occupied unless their names appeared upon Ward's list, and having been imperfectly made out by him it failed to disclose the names of many entitled to hold land in Mississippi. This was a great wrong to the Indians and a great many complaints were made among the Indians of the action of the government through its agents Ward and Martin. On account of these complaints Congress appointed a Commission by an act of Congress approved March 3rd, 1837; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and in 1842 another Commission was appointed by Congress under an act of Congress approved August 23rd of that year. This commission was appointed for the same purpose, and went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that your ancestor, John Walker, or any other ancestor of yours went before either of these two commissions, that of 1837 or that of 1842, and claimed any rights under article fourteen of the treaty of 1830 as Choctaw Indians? A No sir, I don't think I did, I don't remember.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to

take the place of land they had formerly held in the old Choctaw Nation and which the government had taken from them and sold?
A No sir.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was in the form of a certificate which entitled them to select land and hold it.

- Q Do you speak the Choctaw language? A No sir.
Q Is there anything further you want to say now in support of this application? A Nothing except I heard my mother say that her grandmother was one half Indian when I was a child.
Q And her grandmother's name was what? A Mary Frances Walker.
Q Would you like any time in which to introduce other testimony in support of this claim? A No sir.

By Mr W N Redwine, attorney for applicant: We would like until the 31st day of this months to introduce additional testimony in support of this claim.

By the Commission:

- Q You hear the motion of your attorney, do you want this time?
A Yes sir.

Time is allowed this applicant up to and including the 31st day of August, 1902, for the introduction of other testimony in support of this application.

By Mr Redwine:

- Q What part Indian do you claim to be? A One sixteenth.
Q You derive your Indian blood from whom? A My great grandmother.
Q And what was her name? A Mary Frances Walker.
Q She was what part Indian? A One half.
Q Her father was Indian or white man? A White man.
Q Did you ever hear any of your relatives speak about what her or not your great grandmother or great grandmother lived in Alabama?
A Yes sir, in Alabama or Mississippi one.
Q Did you ever hear any of your relatives state as to whether or not Mary Frances Walker and her minor children received any land from the government? A I heard they had land there either in Mississippi or Alabama one.
Q You do not know how they received it? A No sir.
Q But heard that they owned land? A Yes sir.

By the Commission:

- Q Is Alberta W. Gaines related to you? A Yes sir.
Q She has made application here to be identified as a Mississippi Choctaw claiming through the same common ancestor,- do you want to have your case consolidated with all other cases of your relatives claiming through the same common ancestor? A Yes sir.

Special reference is hereby made to M. C. R. 4639, Alberta W. Gaines, et al, the applicants in said case and the applicant in this case being descendants of John Walker and Mary Frances Walker, who the applicant claims complied with article fourteen of the treaty of 1830.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair, blue brown eyes, medium fair complexion; she does not


Cora E Esell—7

understand or speak the Choctaw language, and she claims to be a direct lineal descendant of John Walker, who signified for his family within six months after the ratification of the treaty of 1830 to Colonel William Ward their intention to remain in Mississippi, take land there and become citizens of the states.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 22nd day of August, 1902, and that the within and foregoing is a true full and correct transcript of his stenographic notes in the same.



Subscribed and sworn to before me this 6 day of September, 1902.


Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5178.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Cora E. Rzell,

Lacey, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hoggins,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Giltford Marshall, Orlando H. Ryan, John Giltford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixey.
Chairman.

Register.

MCR-6178.

Muskogee, Indian Territory, March 16, 1907.

Cora E. Howell,
Lacey, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Cora E. Ezell.

Age 40 - Blood 1/16

Post-Office, Lacy, Miss. -

Father: William H. Lee, l

Mother: Martha E. Lee - l

Claims through mother
husband

J. W. Ezell. l. w.

No claim for
husband

Children:

Thomas R. Ezell. - 19

Ellis W. " 17

Julian W. " 15

Edgar E. " 13

Oscar J. " 9

Claims for self
and 5 children

Stenographer

N. H. Martin

Choctaw MCR 6179.

Wm. W. Shamburger

See MCR 4639

MCR 6179

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 22, 1902.

#6179.

In the matter of the application of William W. Shamburger
for the identification of himself and his two minor children,
Walter Lamar and Joseph E. Shamburger, as Mississippi Choctaws.

W. N. Redwine, Attorney for Applicants.

William W. Shamburger after being first duly sworn tes-
tifies as follows:

Examination by the Commission.

- Q What is your name? A William W. Shamburger.
Q What is your age? A Thirty.
Q What is your postoffice address? A Lacey, Mississippi.
Q Have you always lived in Mississippi? A No sir.
Q Where were you born? A In Choctaw County, Alabama.
Q When did you go to Mississippi? A At the age of thirty, I
have been in Lacey about six months.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Elbert Joshua Shamburger.
Q What is your mother's name? A Mary Emma Shamburger.
Q She has been before the commission on this date has she not to
be identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal au-
thorities or the United States authorities in the Indian Terri-
tory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Nellie E. Shamburger.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Now give me the name of your oldest child under twentyone years
of age and unmarried? A Walter Lamar.
Q How old is Walter? A Five years old.
Q What is the name of the next child? A Joseph E.
Q How old? A Three years old.
Q Is that all? A Yes sir.

Wm W Shamburger-----2

- Q You claim for yourself and these two children? A Yes sir.
Q Is Mollie E. Shamburger the mother of these children? A Yes sir.
Q Are you and she living together as husband and wife and these two children living with you at your home? A Yes sir.
Q When and where were you married to your wife, Mollie? A In Alabama, Sumpter county.
Q Do you remember the day of the month and year? A Yes sir.
Q What day of the month and year? A In '96, February 13th.
Q Have you the evidence of that marriage with you? A Yes sir. (Presents a paper)

A certified copy of the marriage license of the marriage of Walter Shamburger and Mollie Luker presented by this applicant, received, filed, marked "Exhibit A", and made a part of the records in this case.

- Q Is that name, Walter Shamburger, your name and is intended to be the same person was William W. Shamburger? A Yes sir, Walter is my middle name.
Q Simply your middle name being given in this? A Yes sir.
Q Mollie Luker is your wife, Mollie E. Shamburger? A Yes sir.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I have not.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Then this is the first application you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
Q Do you now want to be identified as a Mississippi Choctaw and to identify your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I believe I do, yes sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the

location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that now do you think? A I think I do, yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I have been told that my great great grandfather did.
- Q What was his name? A John Walker.
- Q Was that your great great grandfather? A He was.
- Q Was he a white man or a Choctaw Indian? A I have been told he was a white man.
- Q What was his wife's name? A Mary Frances Walker.
- Q Was she white woman or Choctaw Indian? A One half Choctaw Indian.
- Q You have been told that by members of the family? A Yes sir.
- Q Who told you that she was a half blood Choctaw Indian? A I have heard my grandmother.
- Q Her name was what? A Martha E. Lee.
- Q She has appeared before the Commission to be identified as a Mississippi Choctaw today? A She has, yes sir.
- Q Through whom, that is through what members of your family or relations, have you heard that John Walker who married Mary Frances Walker, a half blood Choctaw Indian, claimed any rights as Choctaw Indians under article fourteen of the treaty of 1830, your mother and who else? A a great uncle of mine.
- Q What was his name? A William A. Woodall.
- Q He has made application here too, has he not? A I think so.
- Q Did John Walker go before the United States Indian Agent, Col. William Ward, within six months from the ratification of the treaty of 1830, and make an application for his wife and family under article fourteen of the treaty of 1830? A I don't know sir.
- Q Do you know whether he told Colonel Ward that he with his family wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, I don't know.
- Q How old would Mary Frances Walker be if living now? A I don't know.
- Q Do you know her maiden name? A No sir.
- Q Do you know whether John Walker held any land in the old Choctaw Nation either in Mississippi or Alabama which he held for his wife and children under article fourteen of the treaty of 1830? A No sir, I don't know whether he did or not.
- Q You do not know whether he ever had any land in Mississippi or Alabama? A No sir, not positive.
- Q Have you ever heard so from anybody? A Yes sir, I have heard that he did.

It is proper for you to testify from what you have heard from your father or mother or any other member of your family; this constitutes family history or tradition, and while you may

not know personally you may have heard that from the family, and oftentimes facts are handed down through the family and it becomes proper testimony.

By the applicant: Yes sir, I have heard that.

- Q Did you ever hear that John Walker and Mary Frances Walker lived in the old Choctaw Nation in Alabama in 1830 and had children living with them at that time? A I have heard that they lived in Alabama, I can not say whether they lived in the Choctaw Nation or not.
- Q In 1830? A Yes sir.
- Q And did you hear that they had children living with them then? A No sir.
- Q You do not know who the children of John Walker and Mary Frances Walker were? A No sir.
- Q Have you testified to all that you know about John Walker and Mary Frances Walker having complied or attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you know whether they or either of them or any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A No sir.
- Q Did either of them ever live in Mississippi at any time? A I don't know whether they did or not.
- Q Did you ever hear that the name of John Walker or the name of any person having the name John Walker having an Indian wife who was one half Choctaw Indian was placed upon Ward's Register as a beneficiary under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear of Colonel William Ward, the United States Indian Agent who lived in Mississippi in 1830? A No sir.
- Q Did you ever hear of Colonel George W. Martin who was locating Agent in Mississippi and who located the claims of those whose names appeared upon Ward's Register? A No sir.
- Q Do you know anything about any land that John Walker held in Alabama? A No sir, I don't.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On said list appears the name of One John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear, however, that said John Walker received for the members of his family three and three-quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as located and registered under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin, United States locating agent, appears the name John Walker; it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin certain land, more fully described on page 32 of Vol. 1 of the records of the Court of Claims in the cases of the

Choctaw Nation of Indians vs the United States.

- Q Do you know whether that John Walker whose name appears upon Colonel Ward's list was your great great grandfather, John Walker, can you testify that that is the same person? A No sir.

The Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaws did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register"; his failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both land and improvements, the government took them from the Indians and sold them. This caused so many complaints among the Choctaw Indians that Congress appointed two Commissions, one in 1837 and one in 1842; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Had any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article of that treaty? A I have heard that John Walker did.

These Commissions were appointed one in 1837 and the other in 1842. A great many claimants who claimed that they had been before Colonel Ward in 1831 but that Colonel Ward neglected to put their names upon his registry list, sought redress by going before either the Commission of 1837 or the Commission of 1842.

- Q Did you ever hear that John Walker went before either of these two Commissions? A No sir.
- Q Did John Walker or any other ancestor of yours having Choctaw blood or did John Walker for his wife, Mary Frances Walker, receive any scrip from the government of the United States or did his wife receive any which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who ~~stated~~ proved their claims under article fourteen of the treaty of 1830 and also further proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you anything further you want to say now in support of this claim? A No sir.
- Q Do you want any time in which to introduce other testimony in support of this claim? A Yes sir.

By W N Redwine, Attorney for applicant: I will ask that the case be continued until the 31st day of this month to submit addi-

tional evidence in support of this application.

By the Commission: The motion is granted.

- Q Is Alberta W. Gaines any relation to you? A I have been told she was by my great uncle I believe.
Q Do you remember what kin? A No sir.
Q She claims through the same common ancestor through whom you are making this claim, do you want to have your case consolidated with hers? A Yes sir.

Special reference is made to M. C. R. 4639, Alberta W. Gaines, et al., the applicants in said case and the applicant in this case being descendants of John Walker and Mary Frances Walker, who applicant claims complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark brown hair, medium fair complexion; he does not understand or speak the Choctaw language. He claims to be a descendant of John Walker, who signified for his family to Colonel William Ward, United States Indian Agent in Mississippi within six months from February 24th, 1831, an intention to remain in Mississippi, take land under the 14th article of the treaty of Dancing Rabbit Creek, and become citizens of the states, but is unable to state whether his ancestor, John Walker, is the same person whose name appears upon Colonel Ward's registry list.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 22nd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of September, 1902.

B. A. Jones
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6179.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

William W. Shamburger,
Lacey, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

SIGNED

Tame Dixey.

Chairman.

Register.

MCR-6179.

Muskogee, Indian Territory, March 16, 1907.

William W. Shamburger,
Lacey, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Wm W. Shamburger,*

Age 30 — Blood 1/32

Post-Office, *Lacey, Miss —*

Father: *Elbert J. Shamburger* l

Mother: *Mary E.* " l

Claims through mother
wife *Mollie E.* " l. w.
No claim for wife

Children:

Martin L. Shamburger 5,
Joseph E. " 3.

*Claims for self &
& children —*

Stenographer

W. W. Martin

Choctaw MCR 6180

James F. Shamburger

See MCR 4639

MCR 6180

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 23, 1902.

#6180.

In the matter of the application of James F. Shamburger
for the identification of himself as a Mississippi Choctaw.

W. N. Redwine, attorney for applicant. No Appearance.

James F. Shamburger being first duly sworn testifies as
follows:

Examination by the Commission.

- Q What is your name? A James F. Shamburger.
- Q What is your age? A Twenty-nine.
- Q What is your post office address? A Pennington, Alabama.
- Q How long have you lived at Pennington? A I have lived in that neighborhood all my life.
- Q Always lived in Alabama? A Yes sir.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is your father's name? A Elbert J. Shamburger.
- Q What is your mother's name? A Mary E. Shamburger.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much do you claim? A One thirty-second.
- Q Do you know whether your mother has ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not until yesterday.
- Q She was here before the Commission to be identified as a Mississippi Choctaw yesterday? A Yes sir.
- Q Do you make this application for yourself alone? A Yes sir.
- Q You are not married? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Do you come before the Commission at this time to be identified

as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intantion to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to becoe citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand that? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I have heard my great great grandfather did.

Q What was his name? A John Walker.

Q How much Choctaw blood did he have? A Did not have any.

Q What was his nationality? A He was a white man, American I suppose.

Q What was the name of his wife? A Mary Frances Walker.

Q How much Choctaw blood if any did she have? A I have heard one half.

Q What relation was John Walker to you? A My great great grandfather.

Q And Mary Frances Walker was your great great grandmother? A Yes sir.

Q Did they live in Mississippi or in Alabama, or in either states?

Q They lived in Alabama.

Q Do you know where in Alabama? A No sir, I have heard they lived in Green county and Sumpter County.

Q Do you know if they lived there in 1830? A No sir, I don't.

Q Did you ever hear that they lived either in the old Choctaw Nation in Mississippi or in Alabama in 1830 and had children living with them at that time or in 1831? A No sir, I have heard something about it but I don't know exactly whether I have heard that or not.

Q What have you heard about John Walker having any land that he received from the government or his wife, Mary Frances Walker, received as Choctaw Indians which they claimed under article fourteen of the treaty of 1830? A I heard that the government gave them a grant of land in Sumpter County.

Q Through whom did you hear that? A My uncle, William A. Woodall.

Q He has made application before the Commission to be identified

James F Shamburger-----3

- as a Mississippi Choctaw? A Yes sir, and through my grandmother too.
- Q What is her name? A Martha E. Lee.
- Q She appeared before the Commission August 32nd, 1902? A Yes sir.
- Q Through any other source have you heard this? A No sir.
- Q Did you ever hear that John Walker or Mary Frances Walker went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi or Alabama, take land there and become citizens of the states? A No sir, I did not hear that.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Do you know whether this land that you say your great great grandfather, John Walker, had in Sumpter County, Alabama, had any improvements on it? A No sir.
- Q Do you know whether Sumpter county is in that portion of Alabama which was known as the old Choctaw Nation? A No sir, I don't know whether it is or not, Sumpter County Alabama is right on the line of Mississippi, it runs right on the line of Mississippi.
- Q But you don't know about that positively? A No sir I don't know.
- Q How old would John Walker be if living now? A I don't know sir.
- Q How old would his wife be if living now? A I don't know.
- Q Did you ever hear how many children they had in 1830 or 1831? A Yes sir, I heard they had seven.
- Q Now Martha E. Lee is your grandmother? A Yes sir.
- Q She testified yesterday that four of the seven children of John Walker and Mary Frances Walker were living then and that three were born after 1830, do you know anything about that? A No sir, I always heard that they had seven children living but I don't know when they were living.
- Q Through whom did you hear that? A Through my uncle and grandmother.
- Q This same grandmother? A Yes sir.
- Q Your uncle has been here and made application and your grandmother also? A Yes sir, and my great aunt.
- Q What's her name? A Julia Brunson.
- Q She has also made application? A Yes sir.
- Q Then your grandmother, Martha E. Lee, testified not only that she had four children living at that time and three born afterwards, but she changed her testimony and said she made a mistake,-- how many times did you ever hear her say that seven children were living at that time, 1830? A I don't know how many times, but a good many times I have heard her talk about it.
- Q How long have you known that you were descended from a Choctaw Indian? A Well, I don't know, not so very long though.
- Q Within four or five months? A Yes sir, about six months.
- Q You understand that your great great grandfather was a white man? A Yes sir.
- Q And that whatever claim he made under article fourteen he made for his wife and family? A Yes sir.
- Q The wife having Choctaw Indian blood? A Yes sir.
- Q Can you tell how much Choctaw blood he had and how you know

James F Shamburger-----4

she had that quantity? A I have heard she was one half Indian through my uncle and grandmother and aunts.

Q And those uncles and grandmother and aunts have been before the Commission? A Yes sir.

Q Their testimony is already here before the Commission? A Yes sir.

Q And that is all you know? A Yes sir.

Q What they have testified to is substantially what you would testify to? A Yes sir about the same.

On page 18 Vol. 1 of the records of the Court of claims in the cases of the Choctaw Nation of Indians vs the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three-quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Col. Geo. W. Martin, United States locating Agent, appears the name of John Walker; it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Col. Martin land, more fully described on page 32 of Vol. 1 of the records of the Court of claims in the cases of the Choctaw Nation of Indians vs the United States.

Q What proof or evidence have you that your great great grandfather, John Walker, is the same John Walker described on Col. Ward's registry list? A I have not any proof except just hearsay.

Q Nothing further than you have testified to? A No sir, nothing further.

The Indians who stayed in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His failure to do so caused a good many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements to lose both land and improvements, both were taken from them by the government and sold at its public land sales. This

caused so many complaints that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made a list of the names of all who appeared before it; in 1842 another Commission was appointed by Congress for the same purpose under an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know is John Walker or his wife or anyone for him or her or any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of that treaty? A No sir, I don't know.
- Q Did you ever hear that John Walker or his wife or any other Choctaw ancestor of yours ever received any scrip from the government which entitled him to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claims under article fourteen of that treaty and also proved that they had their land taken from them by the government in the old Choctaw Nation and sold.

- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further you want to say now in support of this claim? A No sir.
- Q Would you like a little time in which to submit other testimony? A Well, I will just take the time Mr. Redwine asked for yesterday.

Up to and including the 31st day of August, 1902, is allowed this applicant for the purpose of introducing other testimony if he desires.

- Q What relation are you to Alberta W. Gaines? A A distant cousin.
- Q She has made application to be identified as a Mississippi Choctaw has she? A I have heard she has.
- Q Do you want to have her case considered with yours? A Yes sir.

The consolidated case of Alberta W. Gaines, M. C. R. 4639, is here referred to for the purpose of consolidation of these cases of all applicants who are claiming through the same common ancestor.

This applicant has the appearance of being a white man; he has blue eyes, dark brown hair, fair complexion; he has no knowledge of the Choctaw language. He claims to be a direct lineal descendant of John Walker who signified for his family to the United States Indian Agent, Colonel William Ward, within six months from February 24th, 1831, an intention to remain in Mississippi and become citizens of the states, and take land under the 14th article of the treaty of 1830.

James F Shamburger-----6

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 6 day of September, 1902.

B C Jones
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6180.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

James F. Shamburger,
Pennington, Alabama.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
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Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
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Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
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William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James W. Ryann

. Chairman.

Register.

MCR-6180.

Muskogee, Indian Territory, March 16, 1907.

James F. Shamburger,
Pennington, Alabama.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 13, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *James T. Shamburger.*Age *29* - Blood *1/32*Post-Office, *Pennington, Ala.* -Father: *E. J. Shamburger, l*Mother: *Mary E. " l*Claims through *mother* -

Children:

*claims for self alone*Stenographer *W. H. Martin*

Choctaw MCR 6181

Elberta E. Buntyn

See MCR 4639

MCR 6181

#3181.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 23, 1902.

In the matter of the application of Elberta E. Buntyn for
the identification of herself as a Mississippi Choctaw.

W. N. Redwine, attorney for applicant. No appearance.

Elberta E. Buntyn being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elberta E. Buntyn.
Q What is your age? A Twenty-five.
Q What is your post office address? A Laurel, Mississippi.
Q How long have you lived at Laurel? A Six months.
Q How long have you lived in the state of Mississippi? A Two years and a half.
Q Where were you born? A In Alabama, Choctaw County.
Q Did you go from Alabama to Mississippi? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Elbert J. Shamburger.
Q What is your mother's name? A Mary E. Shamburger.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q Did your mother appear before the Commission to be identified as a Mississippi Choctaw on August 22d, 1902? A Yes sir.
Q Is James F. Shamburger your brother? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George F. Buntyn.
Q Is he living? A Yes sir.
Q A white man or Indian? A A white man.
Q Do you make any claim for him? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Have you any children? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you desire now to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir, I think I do.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't know it.
- Q Did you ever hear so? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My great great grandfather, John Walker.
- Q John Walker was your great great grandfather? A Yes sir.
- Q He was an Indian? A No sir, his wife was part Indian, there was no Indian about him, if there was I don't know it.
- Q He was a white man, did he have an Indian wife? A Yes sir.
- Q How much Indian? A One half.
- Q What was her name? A Mary Frances Walker.
- Q Did John Walker, who married Mary Frances Walker, a part Indian woman live in the old Choctaw Nation east of the Mississippi river in 1830? A I don't know sir.
- Q Did you ever hear where they did live? A No sir.
- Q Did you ever hear that they lived in Alabama? A Yes sir, I heard they lived in Alabama.
- Q Did you hear in what part of Alabama they lived? A No sir.
- Q Or when they lived there? A No sir.
- Q You don't know much about that treaty of 1830 or about these people living there when that treaty was made? A No sir, I don't know much about it.
- Q When was the first time you heard of the treaty of 1830? A I have heard of it five or six months ago.
- Q When was the first time that you ever heard of article fourteen of that treaty? A About the same time.
- Q Through whom did you hear this? A My mother and grandmother.
- Q And they heard about that time too I suppose? A Yes sir, I suppose so.

- Q Did your mother, Mary E. Shamburger, get her information from her mother? A Yes sir, her mother and uncles.
- Q Her mother's name is Martha E. Lee? A Yes sir.
- Q And her uncle's name is what? A William Woodall.
- Q And they have both been before the Commission to make application as Mississippi Choctaws? A Yes sir.
- Q Everything you know you get through relatives of yours who have been here? A Yes sir.
- Q And are now on record as having made application to be identified as Mississippi Choctaws? A Yes sir.
- Q Can you state whether your great great grandfather or your great great grandmother, or your great great grandfather for her received any land in the old Choctaw Nation in Alabama from the United States government under article fourteen of the treaty of 1830? A No sir, I have heard it but I don't know it.
- Q Did you ever hear that they received it because your great great grandmother was an Indian and how they received it? A No sir, I don't know anything about that.
- Q When was the first time that you ever heard that you were an Indian? A Well, I have heard all about it about six months ago, is the first I knew anything about it.
- Q You never heard until six months ago that you had Indian blood? A No sir.
- Q How old would John Walker be if living now? A I don't know sir.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A I don't know that.
- Q How old would Mary Frances Walker be if living now? A I don't know.
- Q When and where was she born? A I don't know.
- Q When and where did she die? A I don't know.
- Q Beyond the fact that you have heard within the last five or six months that they used to live in Alabama do you know where they lived or anything further about it? A No sir.
- Q You do not know very much about these distant relatives of yours do you? A No sir.
- Q You never heard that John Walker went to the United States Indian Agent, Colonel Ward, and claimed any rights for himself through his wife and for his children under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear that John Walker had land in Alabama or not? A I believe I heard that he did have.
- Q You are not sure about that? A I heard that he had land there.
- Q Did you hear how much? A No sir.
- Q Did you hear where it was situated or how bounded? A West of the Tom Bigbee river I believe.
- Q You heard that since you have been here? A Yes sir, and I heard it before too.
- Q Do you know in what county or counties this land was? A Sumpter County I believe.
- Q Do you know whether he had land in more than one county? A No sir.
- Q Do you know whether all of the land there he bought? A No sir.
- Q You don't know which he did buy if he bought any? A No sir I don't.
- Q Did you ever hear positively through any member of your family or any other person that John Walker and his wife, Mary Frances Walker, who you claim had Choctaw blood, lived in that old

- Choctaw Nation east of the Mississippi river in that portion of it which lay in the state of Alabama in 1830 or 1831, and that living there at that time they had children also living there with them? A Well I heard they had children.
- Q At that time? A Yes sir, I think so.
- Q Did you ever hear that some of those children were born later than 1831? A No sir.
- Q Did you ever hear that they were all both previous to 1830? A I don't know about that.
- Q Do you know whether Mary Frances Walker claimed her Choctaw blood through her father or mother? A I believe it was through her father, I heard it was through her father.
- Q Do you know her father's name? A No sir.
- Q Or whether he ever lived in Mississippi or Alabama? A No sir, I heard he was a full blood Indian, her father was.
- Q But you don't know anything further about it? A No sir, I don't know anything more about it.
- Q Do you know who was the youngest of the seven children of John Walker and Mary Frances Walker? A No sir, I don't.
- Q There was one of those seven children named Mary was there not? A Yes sir.
- Q You are descended through that one are you not? A Yes sir.
- Q Now, did you ever hear that she was the youngest of those seven children of John Walker and his wife? A No sir.
- Q Did you ever hear that she was born in 1816? A No sir, I don't that.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi, become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. In said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three fourths sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Col. Geo. W. Martin, United States locating agent, appears the name of John Walker, it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Col. Martin land described more particularly on page 32 of Vol. 1 of the records of the court of claims in the cases of the Choctaw Nation of Indians vs the United States.

- Q Are you able to testify that your great great grandfather, John Walker, is the same John Walker whose name appears upon Col. Ward's register and upon Col. Geo. W. Martin's locating list? A No sir, I don't know that he was.

Elberta E Buntyn-----5

Q Did you ever hear of Colonel Ward's list or the name of John Walker upon it? A No sir.

The Choctaw Indians who remained back there in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Col. Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as "Ward's Register". Col. Ward's neglect in this matter caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose under an act of Congress approved August 23rd of that year. This commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did you ever hear that any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No sir.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also further appeared that he had had land taken from him in Mississippi and sold by the government he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors get any of this scrip from the government? A Not that I know of.
Q Do you speak or understand the Choctaw language? A I do not.
Q Do you desire any more time in which to introduce other testimony in this case? A Yes sir, like the others.
Q You would like until the 31st of August? A Yes sir.

Time is allowed this applicant up to and including the 31st day of August, 1902, for the introduction of other testimony in this case if she desires to submit any under the rules of the Commission

Q Are you related to Alberta W. Gaines? A Yes sir.
Q What relation to you is she? A A cousin.
Q She has made application to be identified as a Mississippi Choctaw has she not? A Yes sir.
Q Would you like to have your case and the case of Alberta W. Gaines and other relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming to be descendants from the same common ancestor consolidated under one head? A Yes sir.

Elberta E Buntyn—6

The consolidated case of Alberta W. Gaines, et al., M. C. R. 4839, is here referred to for the purpose of consolidation. The applicants in said case and the applicant in this case being descendants of John Walker and Mary Frances Walker, whom the applicant claims complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you know the maiden name of Mary Frances Walker? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, fair complexion, brown hair; she has no knowledge or understanding of the Choctaw language; and she claims to be a direct lineal descendant of John Walker who signified for his family to Colonel William Ward, United States Indian Agent in Mississippi within six months from the 24th day of February, 1831, an intention to remain in Mississippi, become citizens of the states and take land under the 14th article of the treaty of 1830.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings in full on the 23rd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.



Subscribed and sworn to before me this 6 day of September, 1902.

W. C. Jones
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6181.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Elberta R. Duntyn,

Laurel, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odell Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tamie Kirby.

Chairman.

Register.

MUR-6181.

Muskogee, Indian Territory, March 16, 1907.

Alberta N. Buntyn,
Laurel, Mississippi.

Dear Madam :

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Elberta E. Buntyn.*Age *25.* Blood *1/32*Post-Office, *Laurel, Miss.*Father: *E. J. Shamburg, Jr.*Mother: *Mary E. Shamburg, Jr.*

Claims through *Washed*
husband
George F. Buntyn, l.w.
No claim for husband

~~Children:~~

claim for self
alone -

Stenographer

W. A. Martin

Choctaw MCR 6182

Irene Buntyn

See MCR 4639

MCR 6182

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 23rd, 1902.

#6182.

In the matter of the application of Irene Buntyn for the identification of herself as a Mississippi Choctaw.

W. N. Redwine, Attorney for applicant. No appearance.

Irene Buntyn being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Irene Buntyn.
Q What is your age? A Twenty-four.
Q What is your postoffice address? A Laurel, Mississippi.
Q How long have you lived in Laurel? A Two years.
Q Where did you live before that? A I lived in Meridian, Mississippi, one year.
Q What year was that? A In 1899.
Q Where did you live before that? A In Alabama, Choctaw County.
Q Were you born there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Elbert J. Shamburger.
Q What is your mother's name? A Mary E. Shamburger.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q Has your mother been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q When did she appear? A Yesterday, August 22nd.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q She is not on any of the rolls? A No sir.
Q She never has lived in the Choctaw Nation, Indian Territory, has she? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living and a white man? A Yes sir, I guess he is a white man, he is living.
Q What is his name? A James T. Buntyn.
Q Do you make any claim for your husband as being a Choctaw Indian? A No sir.
Q You make application for yourself alone? A Yes sir.
Q You have no children? A No sir.

Irene Buntyn-----2

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for membership in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation to any authority? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I reckon I do, I have heard it several times.
- Q Do you care to have it explained further? A No.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q Do you understand that? A It looks like I ought to.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A Yes sir, I heard that my great great grandfather did.
- Q What was his name? A John Walker.
- Q What relation was he to you? A My great great grandfather.
- Q How much Choctaw blood did he have if any? A He did not have any that I know of.
- Q What was his nationality? A I dont know, white man I suppose.
- Q You never heard? A No sir.
- Q He might have had Choctaw Indian blood or some other Indian blood? A If he did I never heard it.
- Q Did he have a wife? A I suppose he did, I heard he did.

- Q What was her name? A Mary Frances Walker.
- Q What was her maiden name? A I don't know, I never heard it.
- Q Did she have any Choctaw blood? A I heard that she was half Choctaw.
- Q Did you ever hear that she lived in the old Choctaw Nation east of the Mississippi river? A Yes sir, I heard that she did.
- Q Where did she live? A I don't know.
- Q Did she live in Alabama or in Mississippi? A In both places I think, I don't know whether she lived in Mississippi, I heard she lived in Alabama though.
- Q What part of Alabama did she live? A Well, Sumpter County and Green county.
- Q Do you know whether she lived in the old Choctaw Nation in Alabama in 1830? A No sir.
- Q Did you ever hear that John Walker and his wife, Mary Frances Walker, lived in the old Choctaw Nation in 1830 or in 1831 and had children living with them? A Yes sir, I heard they did.
- Q In 1830? A Yes sir.
- Q You are sure now? A Yes sir.
- Q How did you hear that? A Through my grandm ther and my uncle and my mother.
- Q And the have all been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q And whatever you know about it you have learned through these three sources then? A Yes sir.
- Q Their testimony then you wish to refer to in making your application so you may have the benefit of what they have testified to? A Yes sir.
- Q Can you give any other testimony besides their testimony? A No sir.
- Q How long since you have known that you were a Choctaw Indian or had Indian blood? A I just heard it this year.
- Q About how long ago? A About four or five months something like that.
- Q Did you ever hear of your great great grandmother, Mary Frances Walker, before that time? A No, I never heard but I have always heard that my great grandmother was a Walker.
- Q Her maiden name was Walker? A Yes sir.
- Q What was her married name? A Woodall.
- Q Mary Woodall? A Yes sir.
- Q Was she a child of John Walker and Mary Frances Walker? A Yes sir.
- Q How many children did they have? A Seven.
- Q How do you know that? A I heard that through my mother and grandmother.
- Q Your grandmother is Martha E. Lee,-- did you hear her give her testimony here yesterday before the Commission? A No sir.
- Q She testified that there were seven children of John Walker and Mary Frances Walker; she said four of them were living in 1830 and three were born after that time, do you know anything about that? A No sir, only I heard her say they had the seven children in 1830.
- Q She afterwards changed that statement and said she made a mistake; but she also testified that Mary Walker, one of the children, was the youngest of the seven children and was born in 1816, do you know anything about that? A No sir.
- Q She also thought afterwards that she made a mistake in that testimony.-- How old would John Walker be if living now? A I don't know.
- Q When and where was he born? A I don't know.

Irene Buntyn-----4

- Q When and where did he die? A I don't know.
- Q What portion of his life did he live in the old Choctaw Nation in Alabama? A I don't know, I suppose he died over there, but I don't know.
- Q How do you know he lived there in 1830? A I don't know he did, I heard he did.
- Q Did you ever hear where he died? A No sir, it seems like I heard he died at Greensboro.
- Q Where is that? A In Alabama.
- Q Was he pretty old when he died? A I never heard.
- Q Do you know whether his wife, Mary Frances Walker, died there? A No sir.
- Q Did you ever hear where she died? A No sir, unless it was in Sunflower County Mississippi.
- Q And you have no idea whether she was an old or young woman when she died? A Yes, I think she was an old woman.
- Q Did you ever hear that John Walker or his wife, Mary Frances Walker, or John Walker for his wife ever received any land in the Choctaw Nation either in Alabama or in Mississippi under article fourteen of the treaty of 1830? A I don't know whether I did or not.
- Q You do not know whether you ever heard that John Walker had any land there? A Yes sir, I heard he had land there.
- Q Where did he get that land? A From the government I reckon.
- Q How do you know did you hear so? A Yes sir.
- Q Who told you that? A I heard through my parents and grandmother.
- Q Through the same people you have already told you heard other things, your grandmother and mother and your uncle, or great uncle which was it? A My great uncle.
- Q Can you tell anything further than what you have heard through your relatives with reference to John Walker and Mary Frances Walker being entitled, either of them, to rights, privileges and benefits, particularly to land under article fourteen of the treaty of 1830? A No sir, I don't know anything about that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did you ever hear that John Walker for his wife, Mary Frances Walker, or that she herself owned any improvements on land in the old Choctaw Nation either in Alabama or in Mississippi in 1830 or 1831? A No sir, I never heard.
- Q Do you know how that land was bounded which you say John Walker had? A I know it was on the west of the Tom Bigbee river.
- Q How far west? A Just on the border.
- Q Was it within the old Choctaw Nation? A Yes sir, I suppose it was.
- Q Did you hear it was? A Yes sir.
- Q How many sections of land was there in it? A I don't know.
- Q Did he buy that land? A I don't know whether he did or not.
- Q Your grandmother, Martha E. Lee, testified I believe that he had two pieces of land, one he bought, do you know anything about that? A No sir.
- Q Did you ever hear that he bought any? A No sir.
- Q Did you ever hear that he got any from the government? A I heard something about it but I don't know what it was.
- Q You would not swear about that? A No sir.
- Q Did you ever hear of Colonel William Ward? A No sir.
- Q Did you ever hear of Colonel George W. Martin? A No sir.

Irene Buntyn-----5

- Q Do you know what connection they had if any with carrying out the provisions of Article fourteen of the treaty of 1830? A No sir.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indian vs the United States, No. 12742, appears a list of register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, an intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. In said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children. It does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three-quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Col. Geo. W. Martin, United States locating agent, appears the name of John Walker, it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Col. Martin land, described more particularly on page 32 of Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States.

- Q Do you know whether that John Walker who is described in Col. Ward's list and whose name also appears upon Col. Martin's locating list was your great great grandfather, John Walker? A N sir, I don't know.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales, and because of this action of the government a good many Indian made complaint to the United States government and the government appointed two Commissions, one in 1837 and the other in 1842, the first under an act of Congress approved March 3rd, 1837, and the other under an act of Congress approved August 23rd, 1842. These commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article as Choctaw Indians? A Not that I know of.
Q Did any of them receive any scrip from the government which en-

Irene Buntyn-----6

titled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I don't know of any.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their claims under article fourteen of the treaty of Dancing Rabbit Creek and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.
Q Have you any evidence you want to introduce now? A No sir.
Q Would you like to have your case consolidated with the case of Alberta W. Gaines who has made application to be identified as Mississippi Choctaws? A Yes sir.

The consolidated case of Alberta W. Gaines, et al., M.C.R. 4639, is here referred to for the purpose of consolidation, she claiming through the same common ancestor, John Walker, as this applicant.

Time is allowed this applicant until and including the 31st day of August, 1902, for the introduction of other testimony if she desires to submit same.

This applicant has the appearance and physical characteristics of being descended from white parentage; her hair is light brown, blue eyes, fair complexion; she does not understand the Choctaw language. She claims to be a direct lineal descendant of one John Walker, and further claims that John Walker had an Indian wife whose name appears upon Ward's list, and that he signified for himself and family to Colonel William Ward, United States Indian Agent, within six months from February 24th, 1831, an intention to remain in Mississippi and become citizens of the states and take land under the 14th article of the treaty of Dancing Rabbit Creek.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of August, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1902.

W. H. Martin
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6152.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Irene Buntyn,

Laurel, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddle Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixey.
Chairman.

Register.

MOR-6182.

Muskogee, Indian Territory, March 16, 1907.

Irene Buntyn,
Laurel, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Irene Buntyn*

Age *24* - Blood *1/32*

Post-Office, *Laurel, Miss.*

Father: *E. J. Hamburger, l*

Mother: *Mary C. " l*

Claims through *Mother* -
~~Husband~~
James T. Buntyn, l. w.
No claim for husband.

Child: -

*Claims for self
 alone*

Stenographer

W. H. Martini.

Choctaw MCR 6183

Robert E. Lee

See MCR 4639

MCR 6183

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 23rd, 1902.

#3183.

In the matter of the application of Robert E. Lee for the identification of himself and his three minor children, Horace W., Gladys, and Grace Lee, as Mississippi Choctaws.

W. N. Redwine, Attorney for applicants. No appearance.

Robert E. Lee being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert E. Lee.
Q What is your age? A Thirty-two.
Q What is your post office address? A Hattiesburg, Mississippi.
Q How long have you lived at Hattiesburg? A I have lived there since '96, six years.
Q Where did you live before that? A I lived at Tuscola.
Q Where were you born? A Alabama.
Q Have you always lived either in Alabama or Mississippi? A Yes sir.
Q Where were you born in Alabama? A Choctaw county.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Thomas J. Lee.
Q What was your mother's name? A Melissa A. Lee.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A One sixteenth.
Q Has your mother ever been before the Commission to be identified as a Mississippi Choctaw? A No sir.
Q Your father has no Choctaw blood? A No sir.
Q Have any other members of your family been before the Commission? A Yes sir, yesterday.
Q Have you any sisters or brothers? A One brother.
Q What is his name? A G. W. Lee.
Q Is he here? A Yes sir.
Q Are you married? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q A white woman? A Yes sir.
Q What is her name? A Lillie Lee.

Robert E Lee-----2

- Q Do you make any claim for her? A No sir.
- Q Have you any children under twenty-one years of age and unmarried that you wish to make application for? A Yes sir.
- Q What is the name of the oldest? A Horace W. Lee.
- Q How old is Horace? A Six years old.
- Q The next? A Gladys Lee?
- Q How old is Gladys? A Four years old.
- Q The next? A Grace Lee.
- Q How old? A She is two.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is Lillie Lee the mother of these three children? A Yes sir.
- Q Are you and your wife living together as husband and wife and these children living with you at your home? A Yes sir.
- Q When and where were you married to your wife? A In Ellisville Mississippi on the first day of August, 1894.
- Q By a minister under a license? A By a Justice of the Peace.
- Q Have you the proof of that marriage with you now? A Yes sir. (Presents a paper).

A certified copy of the marriage license of the marriage of Mr. R. E. Lee and Miss Lilly Mitchell presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is R. E. Lee the same as Robert E. Lee, your name? A Yes sir.
- Q And is Lilly Mitchell the same as Lillie Lee, your wife? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by the Choctaw tribal authorities, the Commission to the Five Civilized tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application for citizenship in the Choctaw Nation you have ever made for yourself and children to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now want to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I have heard it repeated a good many times.
- Q You do not care for any explanation? A No sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded

by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article of that treaty? A I have heard that they did, yes sir.
- Q Who did you hear complied with it? A My great grandfather, John Walker.
- Q He is your great grandfather or great great grandfather? A My great grandfather.
- Q But a great great grandfather of Irene Buntyn and Elberta E. Buntyn? A Yes sir, my mother was a sister to Martha E. Lee.
- Q Was John Walker the great great grandfather of James F. Shamburger? A Yes sir.
- Q But your great grandfather? A Yes sir.
- Q How do you know that he complied with article fourteen of the treaty of 1830 and received any benefits such as land in the old Choctaw Nation east of the Mississippi river under that article? A I don't know only just what I have heard through my aunt and uncle and other relatives.
- Q What is your aunt's name? A Julia Brunson and Martha E. Lee.
- Q They are the old ladies who have appeared before the Commission on August 22nd, 1902 and August 21st? A Yes sir.
- Q And your uncle, William A. Woodall, appeared here some time ago? A Yes sir.
- Q Whatever you know with reference to your Choctaw blood and your rights you get it from those relatives who have already been before the Commission? A Yes sir.
- Q What was John Walker's wife's name? A Mary Frances Walker.
- Q What was her maiden name? A I don't know, I have heard that her name was Chambliss.
- Q Do you know anything about her father or mother? A No sir.
- Q Or through which one she got her Choctaw blood? A No sir.
- Q Did John Walker and his wife, Mary Frances Walker, live in the old Choctaw Nation east of the Mississippi river either in Mississippi or Alabama in 1830 and were either of them heads of families there then? A Yes sir, I heard they were.
- Q Now did they live either in Mississippi or Alabama in the old Choctaw Nation? A I heard they lived in Alabama, Sumpter County.
- Q In the year 1830 at the time when that treaty was signed? A I heard that they were in Alabama, I don't know whether it was Green or Sumpter County, somewhere about there.
- Q Do you know if where they lived was within the old Choctaw Nation or not? A Nothing only what I have heard.
- Q Have you heard that? A Yes sir.
- Q Did these relatives tell you positively that they knew where they lived in Alabama or in that territory occupied by the old

- Choctaw Nation in 1830? A They did not state positively, but I have heard them talk about it is all.
- Q In a general way they thought it was in the old Choctaw Nation? A Yes sir.
- Q And if it was in Sumpter county you can locate it then within the limits of that old Choctaw Nation? Did John Walker make any claim under article fourteen of the treaty of 1830 on behalf of his wife for her and their children? A Yes sir, I heard they did.
- Q He was a white man? A Yes sir, I have heard that he was.
- Q Do you know he was a white man or do you know he was not an Indian? A I know he was spoken of as a white man.
- Q He might have had some other Indian blood besides Choctaw,-- is it pretty definitely settled in your mind from what you have heard in the family that his wife was a Choctaw Indian? A Yes sir.
- Q And you are pretty sure it was one half? A Yes sir, thats what I have heard.
- Q How long have you heard that you had Choctaw blood? A Six or seven months.
- Q Before that you never knew anything about it? A No sir, never thought about it.
- Q Did you know anything about Mary Frances Walker before six or seven months ago? A No sir, nothing only,-- No, I did not know anything about her; I knew that my grandmother's name was Walker, Mary Woodall.
- Q And all this has been looked up and worked up and come to your attention and your relatives since the six months you speak of? A Yes sir.
- Q And I suppose for the purpose of investigating and seeing if you had any rights through her as Choctaw Indians? A Yes sir.
- Q Did any person or any agent desiring to present your claims before the Commission interview you or any of your people or make any statement to you that you had Choctaw blood? A No sir.
- Q This has all arisen within the members of the family? A Yes sir.
- Q Right in the relationship of the people who claim to be descended from this ancestor? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors, John Walker, or his wife or any other, went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between 1833 and 1838 or '40? A No sir, I don't know.
- Q Do you know how old John Walker would be if living now? A No sir.
- Q Do you know where either were born? A No sir.
- Q Or where they died? A Mary Frances Walker I heard died in Sunflower County, Mississippi.
- Q Do you know how old she was when she died? A No sir.
- Q How long did she live in Mississippi? A I don't know.
- Q How many children did they have? A I have heard they had seven.
- Q Do you know the names of any of them? A No sir.
- Q Do you know who was the oldest or youngest? A No sir.
- Q Do you know when the youngest was born? A No sir.
- Q You are descended from which one of the seven children? A Mary Walker.
- Q Who married Woodall? A Yes sir.
- Q Your aunt, Martha E. Lee, testified that Mary Woodall was born in 1816, do you know about that? A No sir, but I think she

- must have been mistaken, I have heard her speak differently.
- Q You think she was mistaken as to the time she was born? A Yes sir.
- Q She made a great many contradictory statements in her testimony yesterday, - is it not a fact that her mind is a little bit distracted at times on account of her old age and being feeble? A Yes sir it is, she can't remember anything.
- Q Her memory is somewhat fickle? A Yes sir, I know that she forgets things right quick, her memory is not good.
- Q Are you related to Alberta W. Gaines? A Yes sir.
- Q She has made application to be identified as a Mississippi Choctaw has she not? A Yes sir, I think so.
- Q What relation are you to her? A Cousins, distantly.
- Q Do you want to have your case and also all other cases consolidated under her case as the principal case? A Yes sir.

The consolidated case of Alberta W. Gaines, et al., M C R 4639, is here referred to; she claiming to be a descendant of the same common ancestor, John Walker, as this applicant.

- Q You say you heard that John Walker had some land under article fourteen of the treaty of 1830? A Yes sir.
- Q Where was that land located? A It was west of the Tom Bigbee river.
- Q In what state? A Alabama.
- Q Do you know whether that was within the old Choctaw Nation or not? A No, I don't know it.
- Q Do you know in what county? A I think in Sumpter County.
- Q Did you ever hear that he had land that he bought from some person? A No sir, I don't know how he got the land.
- Q Do you know how much land there was? A No sir.
- Q Or whether it was all together or separate? A No sir, I don't know.
- Q You do not remember how many sections or how bounded? A No sir.
- Q Do you know whether that land had any improvements on it in 1830? A I heard I believe my aunt speak about a mill and a nice dwelling house on it.
- Q Then your great grandfather was a miller was he? A I suppose so, yes sir, he owned a mill.
- Q He occupied the land and there was a mill upon it? A Yes sir.
- Q He might have rented it out to somebody? A Yes sir.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1851, the day the treaty of Dancing Rabbit Creek was ratified, an intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. In said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children.

It does appear, however, from the records in the possession of the Commission that said John Walker received for the members of his family three and three quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and

Robert E Lee 6.

located under the provisions of the treaty of Dancing Rabbit Creek by Col. Geo. W. Martin, United States locating agent, appears the name of John Walker, it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Col. Martin land, described more particularly on page 32 of Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States.

- Q Do you know whether the John Walker whose name appears upon Col. Ward's list which has just been quoted and upon Col. George W. Martin's locating list is the same John Walker whom you claim is your great grandfather? A No sir, I am not able to positively say.
- Q Did you ever hear of Colonel William Ward previous to this application? A No sir.

The Choctaw Indians who remained back there in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose name Colonel Ward did not put upon his list, only a few were recorded on Ward's register. Because of Ward's neglect to put their names on that list, for some reason known only to himself, and because of his failure to make a full registration of those people who came before him to register under article fourteen of the treaty of 1830 many of these Indians who had selected land in the old Choctaw Nation, most of which was in Mississippi, had their land taken from them by the government and sold at its public land sales. They complained bitterly of this injustice and Congress appointed a Commission in 1837 under an act of Congress approved March 3rd of that year and another in 1842 under an act of Congress approved August 23rd of that year. These commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and adjudicated these claims, and reports were made by these different commissions to the United States authorities in Washington; some of the lists of names were accepted and some were rejected.

- Q Do you know if any of your Choctaw ancestors, John Walker or any others, appeared before these Commissions or whether their names appeared upon any of these lists made by the Commission of 1837 or the Commission of 1842? A No sir, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I don't know of any, I never heard anything about it.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their claims under article fourteen of the treaty of 1830, and who also proved that their land in Mississippi was taken from them by the government and sold.

Robert E Lee-----7

Q Do you want a little time in which to introduce other testimony? A Nothing only up to the 31st of the month like the balance.

Time is allowed this applicant up to and including the 31st day of August, 1902, in which to introduce other testimony in this case if he desires.

Q Do you speak the Choctaw language? A No sir.
Q Have you any other testimony before the Commission to introduce? A No sir. (Presents a paper).

A certified copy of the marriage license of Thomas J. Lee and M. A. Woodall, the father and mother of this applicant received, filed, marked "Exhibit B", and made a part of the record in this case,

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, brown eyes, medium fair complexion, somewhat tanned by exposure to the sun; he has no knowledge of the Choctaw language. He testifies that his great grandfather, John Walker, received land in the old Choctaw Nation in that portion of it which was formerly in the state of Alabama, and believes that he is the same person who signified to Colonel William Ward, United States Indian Agent in Mississippi within six months from the 24th day of February, 1831, for his family an intention to remain in Mississippi and become citizens of the states and take land under the the 14th article fourteen of the treaty of Dancing Rabbit Creek.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of August, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1902.

W. H. Martin
B. C. Jones
n. o.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6183.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Robert E. Lee,

Hattiesburg, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Samie Dinsy.
Chairman.

Register.

MCR-6183.

Muskogee, Indian Territory, March 16, 1907.

Robert E. Lee,
Hattiesburg, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date
Name Robert E. Lee

Age 32 Blood 1/16

Post-Office, Hattiesburg, Miss.

Father: Thomas J. Lee, l

Mother: Melina A. " - d.

Claims through mother -
wife - Lillie Lee l. w.
No claim for wife -

Children:

Horace W. Lee. 6
Gladys - " 4
Grace " 2

claim for self
and children

Stenographer

W. H. Martin.

Choctaw MCR 6184

Caleb W. Lee

See MCR 4639

MCR 6184

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 23rd, 1902.

#6184.

In the matter of the application of Caleb W. Lee for the identification of himself as a Mississippi Choctaw.

W. N. Redwine, attorney for applicant. No appearance.

Caleb W. Lee being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Caleb W. Lee.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Lacey, Mississippi.
Q How long have you lived in Lacey? A I have lived there eight months, I have lived at Lacey once before about four years ago.
Q How long have you lived in Lacey altogether? A About eight months.
Q Where were you born? A In Alabama.
Q Have you ever lived anywhere except in Alabama and Mississippi? A No sir.
Q How long did you live in Alabama before you went away from that state? A About nineteen years.
Q And where did you live? A Choctaw County.
Q And then you went to Mississippi? A Yes sir.
Q Have you been in Mississippi since? A Yes sir, I have been back.
Q You went back and forth? A Yes sir.
Q But you never lived outside of Mississippi or Alabama? A No sir.
Q Have been about eight or nine months in Mississippi last past? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Thomas J. Lee.
Q What was your mother's name? A Melissa A. Lee.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States Authorities? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I have heard it enough to understand it.
- Q You do not care for any further explanation then? A No sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head or a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Walker.
- Q Is that your great grandfather? A Yes sir.
- Q Was he a Choctaw Indian? A No sir, I don't suppose he was.
- Q What was the name of his wife? A Mary Frances Walker.
- Q Did she have any Choctaw blood? A She was supposed to have, yes sir.
- Q How much Choctaw blood was she? A One half.
- Q Did she comply or did her husband comply with article fourteen of the treaty of 1830 by going to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and telling him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I suppose they did.
- Q Which one of them? A I suppose John Walker did.
- Q For himself or for his wife and children? A For his wife and children I suppose.

Caleb W Lee-----3

- Q That is what you have heard in the family? A Yes sir.
- Q Who told you that? A My aunt, Martha E. Lee, and W. A. Woodall.
- Q Martha E. Lee is your aunt? A Yes sir.
- Q And who was the other? A Woodall, my uncle.
- Q Have they both been before the Commission and testified? A Yes sir.
- Q And whatever they have testified to in their applications to be identified as Mississippi Choctaws is what you rely upon in your testimony? A Yes sir.
- Q How long have you known that you had Choctaw Indian blood? A Just a few months.
- Q Have you been informed within a few months about your great grandfather and mother and also about your Choctaw blood? A Yes sir.
- Q All this matter is comparatively new? A Yes sir, to me it is.
- Q Do you know how old John Walker would be if living now? A No sir.
- Q Or his wife? A No sir.
- Q Do you know when and where they were born or when and where they died, either of them? A No sir.
- Q Do you know whether they lived in the old Choctaw Nation east of the Mississippi in that portion of it which was in the state of Alabama in 1830? A They lived east of the Mississippi river, I don't know whether they lived in the old Choctaw Nation or not.
- Q Did you ever hear that either of them lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and had children living with them then? A I have heard that they lived in Mississippi and Alabama and had children living with them in 1830.
- Q You have heard that through the same source you have already given? A Yes sir.
- Q Did they comply at that time with the provisions of article 14 of the treaty of 1830 and get land there? A I suppose they did, yes sir.
- Q Did you know where the land was located? A West of Tom Bigbee river.
- Q Did you ever hear of a patent being received by John Walker or Mary Frances Walker for it? A No sir.
- Q Do you know how many sections of land there was there? A No sir.
- Q Do you know whether it was all together or in different tracts? A No sir.
- Q Do you know whether it was in one county or more? A I have heard it was in Green and Sumpter counties.
- Q Is that Green County in Alabama or Greensboro? A I think it is Green County, or Greensboro, it is all the same one that they have been speaking about.
- Q Those who mentioned it meant the same county whether they called it Green or Greensboro? A Yes sir.
- Q Do you know whether the land in one of those counties was bought by John Walker? A No sir.
- Q Did you ever hear positively that any land there was given to them by the government because they were Indians? A I don't know.
- Q Colonel Ward's registry list contains the name of one John Walker who received benefits as a white man having an Indian wife,- have you any knowledge whether that John Walker on Ward's list whose name also appears upon Colonel George W.

Caleb W Lee-----4

Martin's locating list is the same man as your great grandfather?
A Nothing only what I have heard.

Q Have you heard that that man is your great grandfather? A Yes sir.

Q From whom do you get your information? A The same as I did the other, from my uncle and my aunt.

Q From Martin E. Lee and W. A. Woodall? A Yes sir.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nations of Indians vs the United States, No. 12742, appears a list of register of Choctaws who signified within six months from the 24th day of February, 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek. In said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children. It does appear, however, that said John Walker received for the members of his family three and three-quarters sections of land under the 14th article of the treaty of Dancing Rabbit Creek. On page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin, United States locating agent, appears the name of John Walker, it appearing that at the time the treaty was made John Walker had four children in his family over ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin land more particularly described on page 32 of a copy of the list of reservations as registered and located under the provisions of the treaty of Dancing Rabbit Creek by Colonel George W. Martin, in Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs the United States.

Q Are you able to swear that that John Walker so described is the John Walker, your great grandfather? A No sir, I can't swear it, but I have heard that John Walker was my great grandfather.

Q How many children did he have? A I suppose he had seven.

Q Were they all living in Mississippi in 1830 when that treaty was made or were some of them born after that time? A I suppose they were living in Mississippi or Alabama.

Q Do you know anything further than you have heard stated by these relatives you have already mentioned? A No sir.

Q Are you related to Alberta W. Gaines? A Yes sir.

Q She claims through John Walker and Mary Frances Walker? A Yes sir.

Q Do you want to have your case consolidated with hers and the cases of all other relatives of yours who claim through the same common ancestor? A Yes sir.

The consolidated case of Alberta W. Gaines, et al., M C R 4639, is here referred to for the purpose of consolidation.

Those Indians who remained in that old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did that, but their names were not placed upon Colonel Ward's list for some reason due to neglect or carelessness of Colonel Ward. Because their names were not upon his registration list these Indians were dispossessed of their land which they were occupying in the old Choctaw Nation at that time by Colonel George W. Martin or other agents of the government. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which went to Mississippi to hear the claims of these Indians under article fourteen, and in 1842 by an act of Congress approved August 23rd of that year Congress appointed another Commission which went to Mississippi for the same purpose. These two different commissions made lists of the names of all who appeared before them respectively.

- Q Do you know whether any one of your ancestors appeared before either the Commission of 1837 or the Commission of 1842? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was issued to those Indians who proved their rights under article fourteen, and also proved that their land had been taken from them in the old Choctaw Nation by the government and sold.

- Q Do you want until the 31st of August in which to introduce other testimony? A Yes sir.

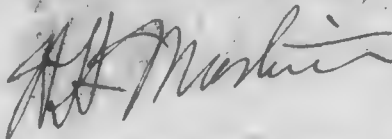
This time is allowed this applicant for that purpose.

- Q Do you speak the Choctaw language or understand it? A No sir.
- Q Have you any other evidence you want to introduce at this time? A No sir.

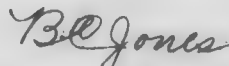
This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes, dark hair, almost black; he does not understand the Choctaw language. He believes that his ancestor, John Walker his great grandfather, complied with article fourteen of the treaty of 1830, and that he is the same John Walker whose name appears upon Colonel Ward's list of Choctaw Indians, and who through his wife, Mary Frances Walker, received in her behalf and in behalf of his minor children, land in the state of Alabama in what was known as the old Choctaw Nation under article fourteen of the treaty of 1830.

Caleb W Lee-p-----6

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.



Subscribed and sworn to before me this 6 day of September, 1902.



Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6184.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Caleb W. Lee,

Lacey, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,
(SIGNED).

Tame Dixey.
Chairman.

Register.

MCR-6184.

Muskogee, Indian Territory, March 16, 1907.

Caleb W. Lee,
Lacey, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Caleb W. Lee.

Age 29 - Blood 1/16

Post-Office, Lacey, Miss.-

Father: Thomas J. Lee, l

Mother: Melisa A. " d

Claims through Mother

~~Children:~~Claims for self
alone

Stenographer

H. H. Martin

Choctaw MCR 6185

Nettie A. Woolverton

See MCR 4006

MCR 6185

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 23, 1908.

#4185.

In the matter of the application of Nettie A. Woolverton
for the identification of herself as a Mississippi Choctaw.

J. G. Ralls, attorney for applicant. No appearance.

Nettie A. Woolverton being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nettie A. Woolverton.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Emmersore, Texas.
Q Where were you born? A Born and raised in Texas.
Q What is your father's name? A William P. Mims.
Q Has he been here before the Commission? A No sir.
Q Have any of your relatives? A Yes sir.
Q Who? A My uncles and brothers.
Q Give me their names? A J. R. Dumas, Ben Dumas and Louis Dumas,
and my brothers William Mims, Ransom and Tom Mims.

Ransom E. Mims appeared before the Commission on the 23rd
day of June, 1908, M. C. R. 5858, a brother of this applicant.

- Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What is your mother's name? A Nettie Mims.
Q Do you claim your Choctaw blood through your father or mother?
A My mother.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians in the Indian Territory by
the Choctaw tribal authorities or the United States authori-
ties in the Indian Territory? A No sir, I do not know.
Q Are you married? A Yes sir.
Q What is your husband's name? A J. G. Woolverton.
Q Has he any Choctaw blood? A No sir.
Q Do you make any claim for him? A No sir.
Q Have you any children? A No sir.
Q Do you make this claim for yourself alone? A Yes sir.

Nettie A Woolverton-----2

- Q How long have you lived in Texas? A Born in Texas and raised there.
- Q How old would your mother be if she was living now? A Forty-five.
- Q Where was your mother born? A Alabama.
- Q Did ~~any~~ she ever live anywhere except in Texas and Alabama to your knowledge? A No sir, I do not know.
- Q Through which one of her parents did your mother get her Choctaw blood? A Her father.
- Q What was her father's name? A Lawrence Dumas.
- Q How old would Lawrence Dumas be if living now? A About seventy-five.
- Q Do you know where he was born? A I do not know.
- Q Do you know of his having lived anywhere except in Texas? A No sir, I do not know.
- Q Through which one of his parents did he get his Choctaw blood? A His mother.
- Q What was Lawrence Dumas' mother's name? A Elizabeth Dumas.
- Q Do you know where she was born? A No sir.
- Q Do you know where she lived? A Choctaw Nation.
- Q Did she live over in the old Choctaw Nation? A Yes sir.
- Q Did she live in Mississippi or Alabama? A Alabama.
- Q Did she live there in 1830? A I do not know.
- Q Where were you married? A Nacogdoches, Texas.
- Q Who married you? A Mr. Peevey.
- Q A minister? A No sir, Justice of the Peace.

It will be necessary for you to furnish proper evidence of the marriage of Lawrence Dumas and your mother's mother unless it has already been furnished.

15 days time from the date hereof is allowed this applicant in which to introduce other testimony in this case if she desires.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made any application of any kind either to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.
- Q Do you come before the Commission at this time for the purpose of claiming rights in the Choctaw lands for yourself under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand this treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No sir, I do not know.
- Q You never heard it if they did? A No sir.
- Q Did you ever try to be enrolled as a citizen of the Choctaw Nation by making application to the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q Did you ever apply to the Dawes Commission to be enrolled as a citizen of the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? I do not know.
- Q Do you know whether any of your ancestors owned any improvements on land in Mississippi or Alabama at that time? A I do not know.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and ~~the~~ a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the country west of the Mississippi river, but preferred to remain in what constituted the old Choctaw Nation; and for the benefit of this class of Indians the 14th article was put into the treaty. That 14th article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the ~~a~~ family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now don't you? A Yes sir.
- Q Do you claim through Elizabeth Brashears? A Yes sir.
- Q Was that her married name? A No sir.
- Q Whom did she marry? A She married E. W. Dumas.
- Q Was he a white man? A Yes sir.
- Q Do you know whether E. W. Dumas or his wife, Elizabeth, whose maiden name was Brashears, within six months after this treaty of Dancing Rabbit Creek was ratified went to the United States Indian Agent in Mississippi for the Choctaws and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, I do not know.
- Q Did you ever hear that Elizabeth Dumas nee Brashears or her husband, E. W. Dumas, ever claimed any land or received any land in Mississippi from the government under this 14th article? A No sir.

- Q So far as you know did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A No sir, I do not know.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaw Indians as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there, become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty of 1830. This caused a good many complaints among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts in the year 1837 and 1842 providing for the appointment of Commissioners to go down in Mississippi and hear the claims of Choctaws who claimed that they had complied with the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the president of the United States and they went down to Mississippi and heard a good many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and try to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I do not know.

The act of Congress approved August 23rd, 1842, provided that in case it was decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land in place of the land taken by the government which might be selected either in Mississippi, Alabama, Louisiana or Arkansas from vacant government land, and that he should be given a certificate to that effect, these certificates were called scrip.

- Q Did any of your Choctaw ancestors ever get any scrip from the government under this act of Congress? A Not that I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know if E. W. Dumas or his wife, Elizabeth Dumas nee Brashears lived in Alabama in the old Choctaw Nation in 1830 and did they have children living there with them at that time, or in other words was she, Elizabeth Dumas, nee Brashears, the head of a family there in the old Choctaw Nation in Alabama in 1830? A I do not know.
- Q Do you know of any written evidence that would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.

Nettie A Woolverton-----5

- Q Have you any witnesses here today whose testimony you desire to have taken? A No sir.
- Q Do you speak the Choctaw language? A No sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of this application they may appear before us here at Muskogee within fifteen days from this date and their testimony will be taken, or if you should find any written evidence that you desire to submit in support of your application it should also be filed within fifteen days from this date and it will receive consideration in reference to your application.

- Q What relation are you to Scott S Dumas? A Second cousin.
- Q What relation is Benjamin F. Dumas? A Uncle.
- Q Have you any brothers or sisters who have appeared before the Commission? A No sisters.
- Q You have already given the names of your brothers? A Yes sir.
- Q Have any of your mother's brothers or sisters been before the Commission? A Yes sir.
- Q Have you already given their names? A Yes sir.

The consolidated case of Scott S. Dumas, et al., M. C. R. 4006, is here referred to for the purpose of consolidation.

- Q Are there any other statements that you want to make at this time in support of this application? A No sir.
- Q How many brothers have you living? A Three brothers.
- Q What are their names? A Tom Mims, William P. Mims and R. E. Mims.
- Q Do you want to say anything more? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes, brown hair, fair complexion; she has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

NOTE:--- This applicant is a deaf mute; her infirmity is not complete, as she is able to understand and hear some English spoken words if spoken very loudly and very distinctly. She has a good education, and is able to read and write. One ear is totally deaf and the other partially so. Her articulation is also very imperfect, and yet she has been able in this examination to articulate distinctly enough to make her answers understood by the examiner for the Commission in this case. The examination has been conducted throughout by using a set of printed questions; these questions in every case were held for the applicant to read while the examiner repeated them orally so that by the aid not only of the spoken examination which was taken down by the stenographer, but also by the aid of the printed questions repeated verbatim this applicant has been able to understand fully the questions propounded to which she has given the answers disclosed in this examination. In every case the questions as propounded to her and the answers given by her have been taken down verbatim by the stenographer.

Nettie A Woolverton-----6

Walter H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized he recorded in full the above proceedings on the 23rd day of August, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1903.

W. H. Jones
Notary Public.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6185.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Nettie A. Woolverton,
Immersere, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vie Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Eunis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creuger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dancy

Chairman.

Registered.

MOR-6185

COPY.

Muskogee, Indian Territory, January 22, 1906.

Nettie A. Wolverton,

Immormero, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Kettie Q. Woolverton*Age *28* — Blood *1/32*Post-Office, *Immermere, Texas*Father: *William P. Mims, d*Mother: *Kettie Mims, d.*Claims through *Mother*~~Husband~~*J. S. Woolverton, l.**No claim for husband*~~Children:~~*Claims for self
alone.*Stenographer *N. N. Martin*

Choctaw MCR 6186

Christopher Bradford

See MCR 6187, 6188

MCR 6186

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Christopher Bradford
et al., for identification as Mississippi Choctaws, consol-
idating the applications of:

Christopher Bradford,	M. C. R. 6186
Samuel Bradford, et al.,	M. C. R. 6187
Daniel Bradford,	M. C. R. 6188

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List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Christopher Bradford, et al.

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Page.

Original application of Christopher Bradford to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	1
Original application of Samuel Bradford, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	15
Original application of Daniel Bradford to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaw,.....	24
Testimony of Christopher Bradford,.....	30
Decision of the Commission to the Five Civilized Tribes, refusing the appli- cations for identification as Missis- sippi Choctaws in the consolidated case of Christopher Bradford, et al.,.....	31

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Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, August 23, 1902.

In the matter of the application of Christopher Bradford
 for identification as a Mississippi Choctaw.

J.C. Lowery attorney for applicant.

Christopher Bradford being first duly sworn testified as
 follows:

Examination by the Commission:

- Q What is your name? A Christopher Bradford.
 Q What is your age? A My age is about sixty years old.
 Q What is your post office address? A Temberlin.
 Q What state? A Arkansas.
 Q How long have you lived there? A I lived there about eighteen years.
 Q Where were you born? A Born in Alabama.
 Q Where in Alabama? A Madison County.
 Q How long did you live in Alabama? A I lived there about twenty two years I reckon.
 Q And from Alabama you went where? A Went to the army.
 Q Did you go back after the war to Alabama? A Went there and stayed a while.
 Q Then where did you go? A To Mississippi.
 W How long did you stay in Mississippi? A Five years.
 Q And you went where? A Came to Arkansas.
 Q And have lived in Arkansas since have you? A Yes sir.
 Q Is your father living? A No sir.
 Q Is your mother living? A No sir.
 Q What was your father's name? A My father's name was Bradford.
 Q What was your father's full name? A Columbus Bradford.
 Q What was your mother's full name? A Mother's full name was Mary Robinson.
 Q R-o-b-i-n-s-o-n? A Yes sir.
 Q Through which parent do you claim Choctaw blood? A Mother and grandmother.
 Q Through your mother? A Grandmother and mother yes sir.
 Q How much Choctaw blood do you claim? A Claim about half.
 Q Was your father a colored man? A No sir he was a white man.
 Q Columbus Bradford was a white man? A Yes sir.
 Q He had no negro blood? A No sir he was a white man.
 Q How much negro blood did your mother Mary have? A She was about half I guess because grandmother was an Indian.
 Q Half negro? A One quarter negro.
 Q What was the rest of her blood? A The rest of her blood was Indian.
 Q Three fourths Indian?? A Yes sir.
 Q How are you one half Choctaw Indian then; you don't get any Indian blood from your father do you? A From my mother.
 Q If your mother was three fourths ~~and~~ then you would have a half of that; you would not be a half blood. A My grandmother was Indian.
 Q I'm asking about your mother. You are sure she was three fourths Indian? A I call it half.
 Q Half what? A Half Choctaw.
 Q You said three fourths a while ago? A I meant half.
 Q Was she one half negro? A One quarter.
 Q What was her other blood then? A Her other blood was white.
 Q She was one quarter white, one quarter negro --
 A Yes ma'am grandmother?

- Q No I'm talking about your mother.
A Mother was one fourth negro.
Q And a fourth what else? A One fourth Indian.
Q You said your mother was three fourths Indian, and then you said she was a half; now you say one fourth; do you know anything about it? A No sir my mother was half.
Q You said one fourth and now you say half and you have said three fourths. Do you know anything about it?
A Yes sir I know she said she was half.
Q How much negro blood did she have? A She had about one fourth
Q How much white blood did she have? A I reckon she had -- I dont know sir exactly; there was a little white in her I think.
Q Was she a slave at any time? A No sir.
Q She was not? A No sir.
Q Were you a slave at any time? A No sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A She wanted to be but was rejected some way or other.
Q Where did she go to be enrolled? A In Mississippi
Q I asked you in the Indian Territory not Mississippi; did she ever live in the Indian Territory? A No sir she didn't live in the Indian Territory.
Q Then she never was enrolled or recognized in the Indian Territory was she? A No sir.
Q If you claim that your mother was one half Choctaw Indian how much Choctaw Indian blood do you claim to have? A I claim to have one fourth.
Q You said half; do you want to change that? A One fourth is right.
Q You dont know much about these fractional quantities of blood do you? A No sir not much.
Q Are you married? A Yes sir.
Q What is your wife's name? A My wife's name is Sallie.
Q Sallie Bradford? A Yes sir.
Q Is she living? A She's dead.
Q What was her blood or nationality? A She went for half.
Q Half what? A Choctaw.
Q Was she a half Choctaw Indian? A Was said to be.
Q What was her other blood? A Her other blood was part Indian.
Q You have already said she was half Choctaw; did she have any other kind of Indian blood? A No sir-Choctaw.
Q What was her other blood negro? A Part negro.
Q And part what else? A And part -- the other was part white.
Q How much negro? A A quarter I reckon.
Q How much white? A A little white; I disremember how much.
Q Was the rest of it white? A Yes sir.
Q One fourth then would it be? A Yes sir I reckon.
Q You have two children that you intend to make application ?
A Yes sir.
Q Is Sallie Bradford their mother? A Yes sir.
Q How did it happen your father's name was Columbus Bradford and your mother Mary Robinson? A My mother was Robinson before she married Bradford.
Q That was her maiden name was it? A Yes sir.
Q Have you any children under twenty one years of age and unmarried you want to make application for? A No sir.
Q You make application for yourself alone do you? A Yes sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A On any of the tribal rolls?
- Q Yes; are you enrolled as a Choctaw Indian? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir I haven't.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself for enrollment as a Choctaw Indian? A Yes sir.
- Q Do you now want to be identified as a Mississippi Choctaw?
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A About making application you mean?
- Q No; do you understand article fourteen of the treaty of 1830; under which you now make this application? A Well my grandmother.
- Q No, no do you understand article fourteen? A No sir.

The treaty of 1830 was a treaty that was made between the United States government and the Choctaw Indians at a place called Pandung Rabbit Creek in Mississippi on the 27th day of September of that year 1830; the object of the treaty was to remove the Indians who lived in that old Choctaw Nation east of the Mississippi river and who constituted the Choctaw tribe of Indians from that old Nation to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a great many Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of these Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty; the treaty was then signed and later on was ratified.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A My grandmother did.

- Q What was your grandmother's name? A Nancy.
 Q Nancy what? A Robinson.
 Q Was that her maiden name? A Yes sir.
 Q Who did she marry? A Married a Robinson.
 Q What was his name? A Sam.
 Q Was he an Indian or not? A Yes sir; she said he was.
 Q How much Choctaw blood did Nancy Robinson have? A She was a full Indian.
 Q How much Choctaw blood did Sam Robinson have? A She said he was a half.
 Q Now is your mother Mary Bradford whose name was Mary Robinson the daughter of Nancy Robinson and Sam Robinson? A Yes sir.
 Q You say your mother Mary was one half Choctaw Indian?
 A That's what she claimed to be.
 Q If her mother was a full blood and her father was a half blood wouldn't she be more than one half blood Choctaw Indian? A Looks like she might be but she claimed she had a half.
 Q Well she would have been more than a half blood wouldn't she?
 A Yes sir it seems so.
 Q Do you know how much she would be? A No sir I don't know exactly how much she would be.
 Q Then you don't know how much you are do you? A No sir; I claim to be one fourth.
 Q Yes I know you claim to be one fourth but you've got to claim this thing right; do you know anything about it? A No sir; I don't really know but going by what they say ---
 Q Well I am going by what you say; do you know whether you are a quarter Indian or more or less; now do you really know.
 A I claim that I am a quarter.
 Q I understand you claim you are one quarter but your testimony shows you are not one quarter. Do you know anything about it? A No sir not really.
 Q Was Nancy Robinson a slave at any time? A No sir.
 Q Was Sam Robinson a slave at any time? A No sir.
 Q Did Nancy Robinson ever live in the state of Mississippi?
 A Yes sir.
 Q Did Sam Robinson? A Yes sir.
 Q Did Nancy Robinson and Sam Robinson live in Mississippi in 1830? A Yes sir; I don't know only by what they said.
 Q Your grandmother said so? A Yes sir.
 Q What was your grandmother's name? A Nancy Robinson.
 Q She told you so? A Yes sir.
 Q How old would Nancy Robinson be if she were living now?
 A Close on to a hundred years old.
 Q Where did she die? A In Alabama.
 Q Do you know how old she was when she died? A No sir not exactly how old she was when she died; she was about sixty or seventy years.
 Q How long has she been dead? A She's been dead ever since '63.
 Q That was about thirty nine years ago was it? A Yes sir I reckon so.
 Q If she was sixty years old when she died she would be now about ninety nine or a hundred years old wouldn't she.
 A Yes sir.
 Q Do you know if she lived in Mississippi in 1830 and had a family of children ~~xxxx~~ living with her in Mississippi at that time?

- A Did not have no family living with her.
- Q Did she have any children living at that time? A No sir..
- Q How do you know she did not? A No sir; not living with her.
- Q Did she have any children; I dont care whether they were living with her or not.
- Q Yes sir she had one.
- Q In 1830? A Yes sir.
- Q Where was that child living if not with her? A Living in Alabama.
- Q What was the name of that child? A That was my mother..
- Q And at that time your mother met her in 1830 was living in Alabama was she? A Yes sir.
- Q Was she married then? A No sir.
- Q How did she happen to be living in Alabama and her mother in Mississippi in 1830? A She just took a notion to move there to Alabama.
- Q She wasn't married? A No sir not then.
- Q She just moved from her mother did she? A yes sir.
- Q How old was your mother in 1830? A About twenty five or thirty
- Q And wasn't married? A No sir not at that time.
- Q You are sure about that are you? A Yes sir.
- Q And had no children? A No sir only me.
- Q You were living in 1830? A No sir; I wasn't; she never had me; I was born after she left there.
- Q Do you remember about when you were born? A No sir not exactly.
- Q Do you know that you are sixty years old? A Yes sir according to the record.
- Q Then you were born in '42 were you? A yes sir.
- Q Where were you born? A In Alabama.
- Q Your mother was living in Alabama previous to 1842 was she?
- A yes sir.
- Q When did your mother first go to Alabama?
- A Went to Alabama - I dont know sir exactly what time she did go there.
- Q Well as near as you can get at it; she must have gone there before 1830 because you say so; how do you know; she went to Alabama before 1830? A They say she did.
- Q Who say so? A The people- my neighbors.
- Q Do they say she wasn't married when she went there? A No sir.
- Q And married afterwards? A Her and her husband parted.
- Q When did she have a husband - before 1830? A Yes sir.
- Q She was married before the year 1830? A Yes sir.
- Q When was your mother married if you can tell; of course if you cant tell me say so. A I cant exactly tell.
- Q Have you any idea at all? A No sir.
- Q Was she living in Mississippi or Alabama when she was married?
- A She was in Mississippi.
- Q Was that before the year 1830? A Yes sir.
- Q Did she have any children previous to 1830? A No sir.
- Q But she had a husband living? A Yes sir.
- Q Now tell me just where your mother - this ancestor which you are descended from live in 1830 - did she live in Mississippi or Alabama in 1830? A She lived in Alabama in 1830.
- Q And she was a married woman at that time? A Yes sir.
- Q But you dont know whether she had any children up to that time? A No sir.
- Q Did your mother who lived in Alabama in 1830 and who was a married woman at that time but who did not at that time have any children, comply or attempt to comply with the provisions of article fourteen of the treaty of 1830. A You say did she have any children?
- Q No I didnt say anything of the kind; did she comply or attempt

- to comply with article fourteen of the treaty of 1830?
- A No sir.
- Q Now I understood you to say Christopher that your grandmother your mother's mother Nancy Robinson was living in Mississippi in 1830 ~~and she~~ had one child who was your mother? A Yes sir.
- Q Did she have any other children at that time? A She had one more; no sir she didn't have any one then; she went back to Mississippi again.
- Q Nancy Robinson was your grandmother? A Yes sir.
- Q Your mother's mother? A Yes sir.
- Q And Sam Robinson was her husband? A Yes sir.
- Q Beth you claim had Choctaw blood? A Yes sir.
- Q Did both of them live in 1830 in Mississippi? A Yes sir they lived there.
- Q Did they live in the old Choctaw Nation in Mississippi at that time? A Yes sir.
- Q Did they have any children living with them in Mississippi in 1830? A My grandmother were living -- my mother. ?
- Q Can't you follow my questions? Nancy Robinson and Sam Robinson - did they have any children at that time? with them?
- A Had one. My mother.
- Q Didn't you say a while ago she wasn't living in Mississippi?
- A No sir; I said she lived there with them and after that she moved to Alabama.
- Q Was she living there with them in 1830? A Yes sir.
- Q What's your mother's name - Mary Robinson? A My mother - yes sir.
- Q Did she marry a man named Bradford? A Yes sir.
- Q Was she a married woman at that time? A No sir not at that time; when she married she was.
- Q Did she marry before that time - 1830? A Yes sir.
- Q Then she was a married woman at that time was she? A Yes sir.
- Q Did she have any children living with her in 1830.
- A One - that was me.
- Q You couldn't have been living in 1830; you claim to be sixty years old. A Yes sir.
- Q How could you be living in 1830? A As near as I could come at it; I was young you know; quite young.
- Q Are you sixty years old or seventy two? A Sixty or seventy two..
- Q It don't make any difference to you how old you are does it? A No sir.
- Q You are sixty or seventy two years old - I can take my choice can I? A Yes sir; either one you want.
- Q If you are seventy two years old you were born in 1830; is that right? A Yes sir.
- Q What do you say; you were sixty years old a little while ago? A As near as I can come at it.
- Q Who told you you were living in 1830? A Well my neighbors.
- Q Your neighbors told you you were living in 1830? A Yes sir.
- Q How big a boy were you in 1830? A I was small.
- Q About how old were you - five years old - ten years old?
- A No sir.
- Q Give me an idea how old you were? A I reckon I was two or three years old in 1830.
- Q Where were you living in 1830? A Mississippi.
- Q With your mother. A Yes sir with my grandmother; mother was dead..
- Q You said she was living with your grandmother in Mississippi in 1830 a little while ago? A I didn't say she was dead in 1830..

- Q Was your mother living in 1830? A A little while after she died.
- Q Do you testify your mother was dead in 1830 or living?
- A She was living in 1830.
- Q In what state? A In Mississippi.
- Q And you were living with her? A Yes sir.
- Q A boy three or four years of age? A Yes sir.
- Q And you claim through your mother do you? A Yes sir and grandmother.
- Q Your mother was living in 1830 in Mississippi; did she have any other children living with her besides you? A No sir.
- Q How old are you; you said you were sixty and then you said your were seventy two.
- A I was guessing at it; about sixty or seventy years old.
- Q And you are sure you was a boy three or four years old in 1830? A Yes sir.
- Q That would make you seventy five years old? A Yes sir.
- Q You are seventy five at this time are you? A Yes sir.
- Q Now how old do you think you are, sixty or seventy or seventy two or seventy five? A About seventy five.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the United States; do you know? A What did you say.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi take land and become citizens of the States? A Yes sir my grandmother.
- Q Did she tell you all about it? A Yes sir.
- Q She told you all about Colonel Ward did she? A Yes sir.
- Q What kind of looking man was Colonel Ward? A He was a kind of Indian; looked like to me.
- Q Was he a full blood or half blood? A Looked like a full blood.
- Q Did he speak the Choctaw language? A Yes sir.
- Q Did he have a Choctaw Indian name? A Yes sir.
- Q What did he do there in Mississippi; what did Colonel Ward, this full blood Choctaw do? A I think he was a commission.
- Q What was his business; what did he do? A Well he;--I'm told, leased out land.
- Q Did he himself get any land there? A I disremember; I think he did though.
- Q Did your grandfather Sam Robinson talk Choctaw language with him? A Yes sir.
- Q And did Nancy too? A Yes sir.
- Q Did he used to come around to their home and see them about this land. A Did he come.
- Q Yes did Colonel Ward used to come round to their home and see them? A Yes sir; that's what they say; they went there too.
- Q Did he stay with them over night? A No sir; I don't know about him staying over night.
- Q You are sure he came there to see them? A Yes sir.
- Q Did any of your Choctaw ancestors - your mother or your grandmother Nancy Robinson or her husband Sam go from that old Choctaw Nation east of the Mississippi river to the Indian Territory with the other Indians between 1833 and 1838.
- A Did they go there?
- Q Yes.

- A Yes sir I think I headd them say they did.
- Q Where did they go to? A Mississippi.
- Q Now no; did they go from mississipp i in th at old Choctaw Nation to the Choctaw Nation indian Territory? A I dont remember.
- Q do you speak the Choctaw language yourself? A No?
- Q Yes. A No sir I cant speak it.
- Q Did Nancy Robinson or Sam Robinson or di d your mother Mary Bradford nee Robinson own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Why did this full blood Choctaw Indian whom you say was Colonel Ward the commission - why didn't he get some land when he was giving land to other people? A I dont know sir; they went there and by some means applied for it and he rejected them some way.
- Q Who went there for land? A My grandmother.
- Q Your grandmother Nancy? A Yes sir.
- Q Didn't your mother go there to get land? A No sir., after she went why--e-
- Q Who went? A My grandmother - my mother wouldn't go.
- Q But your mother was a married woman in 1830 living in Mississippi was she? A Yes sir.
- Q And you were living then? A Yes sir.
- Q Do you remember seeing Colonel Ward? A I remembe r seeing him but I cant place him ~~enough~~ to save my life
- Q cant you describe him? A No sir.
- Q Was he a tall man or short man? A I disremember whether he was a tall man or short.
- Q Did he look like an Indian? A He looked like an Indian
- Q You remember seeing him? A Yes sir.
- Q Where did you see him at, your home? A No sir; down in the neighborhood of Mississippi.
- Q Mississippi is a pretty large state? A I mean there in De Sota County.
- Q You saw him there did you? A Yes sir.
- Q How old were you when you saw him? A I was quite a small boy; I was about five or six years old I reckon as near as I can come at it.
- Q What year was that now; was that the year of the treaty?
- A I dont remember; I think it was.
- Q The treaty of 1830? A Yes sir.
- Q Was that the time when all the Indians were going to Colonel Ward to register? A Yes sir.
- Q And did you go with your mother to see her register before Colonel Ward in 1831? A Yes sir; went with my grandmother; but I cant remember much about it; only I know I went there.
- Q Where was this? A In Mississippi.
- Q What part of Mississippi? A If I aint mistaken in De Sota I think it was.
- Q Where was your mother all this time? A My mother.
- Q Yes? A She was in mississippi.
- Q Stayed there all the time did she in 1830 and '31? A Yes sir and then she went away.
- Q And she was the head of a family there was she? A Yes sir.
- Q How old would your mother be if living now? A My mother?
- Q Yes; just suppose she was living now; how old would she be?
- A I expect she would be about -- I dont know sir.
- Q Well I want you to give me an idea if you can.
- Q I dont know exactly how old she is.
- Q She died when? A She died before the war; I dont remember now what time

- Q She died before the war? A Yes sir.
- Q How many years before the war do you think? A I reckon it was about twenty or twenty five years; I disremember which.
- Q She died twenty or twenty five years before the war? A I think she did.
- Q The war was in 1861. When it began; did she die twenty or twenty five years before that? A I think she did; I am not certain.
- Q She must have died in 1836 then did she? A I reckon so.
- Q Did she die a little while after the treaty? A Yes sir I think so.
- Q How old was she when she died? A I never kept it up; I don't know; I was small when she died; I don't know sir exactly how old.
- Q Was she a young woman or old woman. A She was'nt my tight young woman.
- Q Middle aged woman was she? A Yes sir.
- Q Thirty five or forty? A About thirty five or forty somewhere along there.
- Q Do you think she was born in 1800 or 1801 or don't you know? A No sir I don't; I don't know anything about that.
- Q Did your mother receive any land in the old Choctaw Nation either in Mississippi or Alabama in 1830 under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your ancestors? A No sir.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a good many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; as a result of his negligence in this respect a good many Indians who had land in the old Choctaw Nation upon which they had improvements had both their land and the improvements taken from them and sold by the government at its public land sales; this caused a good many complaints among the Choctaw Indians so that in 1837 Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; these two commissions went to the state of Mississippi and heard Choctaw Indian claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or 1842 and claimed any benefits as Choctaw Indians under that article of that treaty.
- A Not as I remember only my grandmother.
- Q Did our grandmother go before the Commission of 1837?
- A Yes sir - I think it was 1837; anyhow she went.
- Q Did she go before the Commission of 1842? A Yes sir.
- Q She went before both of them did she? A Yes sir.
- Q She went before Colonel Ward and she went before the Commission of 1837 and before another Commission in 1842? A That's what she did; that's what they said.
- Q What proof have you except what she said? A Well I haven't any only what she said.
- Q You are quite sure she said that? A Yes sir.
- Q Did she get any scrip from the government which gave her

C Bradford

- a right to select land either in Mississippi Alabama Louisiana or Arkansas? A I dont remember whether she did or not; but she must have had some authority to do so.
- Q Did she get any scrip from the Commission which was appointed under act of Congress approved August 23 1842
- A Not as I know of.
- Q She never did get any land did she? A No sir.
- Q Did your mother go before the Commission of 1837? A She didnt go; grandmother went. She didnt go
- Q Did your mother go before the Commission of 1842?
- A She didnt go.
- Q Why not? A My grandmother was refused and she wouldn't go.
- Q She was living there in 1842 was she? A Yes sir.
- Q Was your mother living in 1850? A My mother.
- Q Yes. A 1850; I dont know sir.
- Q That's fifty two years ago.
- A No sir she wasn't living then; I dont reckon.
- Q She wasn't living then? A I dont reckon she was; my mothers been dead a time.
- Q You mean a long time? A Yes sir.
- Q When did she die? A She died when I was about ten or twelve years old.
- Q You are sure about that? A I know it.
- Q How you were about four years old in 1830 were you?
- A Three or four I reckon..
- Q We will say three and you were about ten when she died; so she died about thirteen years after 1830 did she? A Yes sir.
- Q In other words she died in 1843; is that right? A I guess so.
- Q You said she died in '36 a while ago; you want to change that now? A Yes sir as near as I can come at it; that's about it I dont remember all about it.
- Q Have you any other evidence you want to present at this time? A No sir.
- Q Have you any relatives who have been ~~exam~~ before the commission to be identified as Mississippi Choctaws before yourself? A No sir.
- Q You are the first of any of your relatives? A I am the first one yes sir.
- Q Do you speak or understand the Choctaw language? A No sir I dont really understand it.
- Q Dont know anything about it do you? A No sir.

Examination by J.C. Lowery attorney for applicant:

- Q Mr Bradford how old do you claim to be? A About seventy five I think as near as I can come at it; sixty or seventy five. As near as I can come at it; I have to guess at it.
- Q You dont know how old you are do you? A No sir.
- Q You dont know anything about dates? A No sir.
- Q Are you an illiterate man or are you an educated man? A I'm not educated.
- Q Do you know how long 1830 is; how long ago it's been? A No sir.
- Q How aint it a fact that you dont know whether you was in existence at that time or not? A No sir; I'm telling the truth about that; I dont.
- Q You dont know whether your mother was living in 1830 or not do you? A I'm going by what they said; no sir I dont.

- Q How old would your grandmother have been whom you was ^{say} a full blood Choctaw Indian; how old would she have been at this time. A Close on to a hundred years old.
- Q Which one of the two lived the longest - your mother or your grandmother? A Grandmother lived the longest.
- Q How old was you when your mother died? A Ten or twelve years I reckon.
- Q How old was you when your grandmother died? A I was twenty one or two years old I reckon - about that.
- Q Where was you and where was your grandmother at during the war of the rebellion. A Where was I at during the war? yes. A I was in the war.
- Q Where was your mother at? A Mother was dead.
- Q Where was your grandmother at? A She was dead; died while I was in the army. She died in Alabama.
- Q Now it's a fact that you don't know anything about dates or records or anything of the kind do you? A No sir.
- Q You don't know whether you was in existence in 1830 or not? A No sir.
- Q Now talking about the amount of Choctaw blood that's in you; from whom do you claim that from, your mother or father or whom - or grandmother? A Grandmother.
- Q She was a full blood? A Yes sir.
- Q Now what was the blood of your mother then? A My mother was a - claimed to be half.
- Q What was the other half; A Why part of it - a quarter negro - colored.
- Q What was your father. A Father was Indian.
- Q Your father an Indian? A My father was a white man.
- Q Did you ever have any conversation with your grandmother during her life time? A Yes sir.
- Q Did she speak the Choctaw language and understand it? A I can't understand it.
- Q Did she speak ~~xxx~~ any language you didn't understand? A Yes sir.
- Q What did she claim to be - your grandmother.
- Q My grandmother claimed to be Indian - Choctaw.
- Q Never was a slave? A No sir.
- Q Now you spoke about Colonel Ward; now ain't it a fact that you don't know anything about Colonel Ward? A No, no more than what I heard.

By the Commission:

- Q You told the Commission you saw Colonel Ward? A I mean I seen him because my grandmother told me it was him at that time.
- Q And he looked like an Indian and spoke Choctaw? A Yes sir.

By J.C. Lowery:

- Q Now who was it now that claimed land down there in Mississippi was it your mother or grandmother? A My grandmother.
- Q Your mother was dead at that time? A Yes sir.
- Q You don't know any more about this except what you get from your grandmother; what information you get from your grandmother That's all.
- Q What was the appearance of your grandmother as to being an Indian, a negro or white woman? A Her appearance was light colored; she was Indian.

- Q Isn't it a fact that ~~you~~ when the Commission was asking you a lot of those questions relative to dates and your ancestors, that you answered so emphatically----
- A Huh?
- Q Isn't it a fact that when the Commission was asked you relative to those dates and you answered so positively that you didn't understand what he meant? A No sir, - told him I was hard of hearing; he would have to speak loud.
- Q In fact if you had heard you wouldn't have understood it?
- A No sir; I would have to guess at it is all I know.
- Q How old was you when you went in the war? A I went in the war when I was eighteen.
- Q How long did you stay there? A I stayed there three years.
- Q Was your mother dead then? A Yes sir.
- Q How long had she been dead? A She had been dead a good while; I don't know exactly how long; she died when I was ten or twelve years old.
- Q Then ain't it a fact that your mother was dead before 1830?
- A She died when I was ten or twelve years old.
- Q Was your grandmother living when you come out of the war?
- A No sir.
- Q Was she living when you went in the war? A Yes sir; died while I was in the war.
- Q Now all you know about your relations is simple this; you know your grandmother was a full blood Indian because you have seen her and lived with her and she lived longer than your mother? A Of course.
- Q And she was always recognized as an Indian was she?
- A O yes sir yes sir..
- Q How come you to know she went to Colonel Ward about this matter? A She said she did.
- Q She told you so? A Yes sir.
- Q Then it ain't true your mother told you she went to Colonel Ward? A I told him(pointing to the Commissioner) she didn't
- Q .

Examination by the Commission.

- Q Now Christopher you are trying to tell the truth ar you?
- A Yes sir.
- Q You are sure you were eighteen years old when you went to the war? A Yes sir.
- Q You were jut a boy under age; you can remember that can you? A Yes sir I can remember going to war.
- Q You can remember you were a boy under age can you? A Yes sir eighteen.
- Q Now you know that-you are sure that there's no mixing of dates about that; you know you were a boy under age when you went to the war? A Yes sir.
- Q Now if that is true you also remember going with your grandmother to Colonel Ward during the time when they were registering you - dont you? A Yes sir; that's what she said.
- Q You remember that yourself dont you? A I remember seeing him.
- Q You remember seeing Colonel Ward at that time? A Yes sir; I was three or four years old.
- Q That was the time the treaty was being ratified? A Yes sir.
- Q That was after the ratification of the treaty and when they were registering? A Yes sir; I don't remember exactly.
- Q She went to Colonel Ward and registered as an Indian? A I

was there when she registered.

- Q You saw Colonel Ward at that time? A That's what she said that was him.
- Q That was in the treaty year was it; when the treaty was made
- A yes sir; but I dont remember anything about that treaty.
- Q You said you went with your grandmother when she went to Colonel Ward to register? A That's what she said.
- Q Do you remember it? A I remember seeing the one she said was him.
- Q At that time? A yes sir.
- Q You dont know whether it was or not? A No sir.
- Q Did you go in the war when it first broke out in '61? A No sir in '63 I went.
- Q If you were a boy eighteen years old when you went into the war and went into the war in 1863 then you would have been born in 1845? A Yes sir.
- Q That's fifteen years after the treaty was made; how about that; do you know anything about it? A I just have to guess at it. I dont know anything about it.
- Q You are guessing at everything you testify to are'nt you?
- A No sir I'm guessing about the ages because I dont know.
- Q Aren't you guessing at it a little bit when you say Colonel Ward the United States Indian agent was a Choctaw Indian and talked the Choctaw language? A A I'm going by my grandmother's talk.
- Q You said you heard him talk Choctaw? A Yes sir.

Examination by J. Clowery

- Q The only thing about this matter is simply this Mr Bradford; you are just guessing at your age aint you; you dont know anything about that.
- A No sir; I dont know; I never said I knowed; I'm just guessing at it.
- Q And you are just surmising about seeing Colonel Ward? A yes sir; that's all; of course I was young; I didn't know anything about it of course; I was quite young; a person two or three years old couldn't remember back there.

Examination by the Commission.

- Q You shouldn't try to tell things you dont remember? A yes sir I just have to guess; I do remember what I heard her say.

This applicant has the appearance and physical characteristics of being descended from negro and white parentage; if he has any Choctaw blood the Commission is unable to determine that fact,-----

A sir?


Or as to the quantity; he undoubtedly has a good deal of negro blood and he undoubtedly has a good deal of white blood; whether or not he has Choctaw blood is a doubtful question in the mind of the Commission; he does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830 except that he claims to have seen Colonel William Ward whom he says looked like a full blood Choctaw and who spoke the Choctaw language. In reference to the dates and his own age as well as to the dates of events he is absolutely and positively

unreliable and in the opinion of the commission his whole testimony is unreliable.

At the request of his attorney Mr. L. W. L. then Commission will state that this is not an ordinarily intelligent witness.

Thirty days time is allowed this applicant for the introduction of additional testimony.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 23 rd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 2 day of August 1902.

B. C. Jones
Notary Public.

Handwritten initials and signature
C.W.

COPY!
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Christopher Bradford,
et al., for identification as Mississippi Choctaws, consoli-
dating the applications of:

Christopher Bradford,	M. C. R. 6186
Samuel Bradford, et al.,	M. C. R. 6187
Daniel Bradford,	M. C. R. 6188

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--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by Christopher Bradford for himself; by Samuel
Bradford for himself and his five minor children, Thomas, Matthew,
Etta, Eveline and Martha Bradford; and by Daniel Bradford for
himself, under the following provision of the act of Congress
approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to
determine the identity of Choctaw Indians claim-
ing rights in the Choctaw lands under article fourteen
of the treaty between the United States and the Cho-
ctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform
all other acts necessary thereto and make report
to the Secretary of the Interior."

It also appears that the applicant embraced in M. C. R.
6186 claims rights in the Choctaw lands under article fourteen
of the treaty between the United States and the Choctaw Nation,
concluded September twenty-seventh, eighteen hundred and thirty,

by reason of being a descendant of Nancy Robinson, who is alleged to have been a full blood Choctaw Indian, and Sam Robinson, who is alleged to have been an one-half blood Choctaw Indian; both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty; that the applicants embraced in M. C. R. 6187 and M. C. R. 6188 claim said rights by reason of being descendants of Nancy Robinson, Sam Robinson and Lucinda Spight, nee Daniels, the latter of whom is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Robinson, or Sam Robinson, or Lucinda Spight, nee Daniels, or ancestors less remote, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply

with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Christopher Bradford, Samuel Bradford, Thomas Bradford, Matthew Bradford, Etta Bradford, Eveline Bradford, Martha Bradford and Daniel Bradford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jane Dixby.

Acting Chairman.

T. E. Needles.

Commissioner.

C. R. Drachmiller.

Commissioner.

Muskogee, Indian Territory,

JAN 7 1903

Cou

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Christopher Bradford,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Christopher Bradford,	M.C.R. 6186
Samuel Bradford, et al.,	M.C.R. 6187
Daniel Bradford,	M.C.R. 6188

Decision of the Commission to the Five Civilized
Tribes in the matter of the motion of above applicants
for an extension of twenty days from January 23, 1903,
in which to file arguments in support of said applica-
tions.

Now on this 22nd day of January, 1903, comes the appli-
cant, Samuel Bradford, through his attorney, Theodore Potts, and
files in his own behalf and on behalf of his co-applicants a motion
for an extension of twenty days from January 23, 1903, in which
to file arguments in behalf of their applications for identifica-
tion as Mississippi Choctaws, for the reason: That his present
residence or address is 'Esau' in the state of Arkansas, some 250

or 300 miles distant from the city of Muskogee, I.T. by the most practical and travelled route, that he did not receive said notice and letter until about the 13th day of January, 1903, that owing to circumstances not under his control, and advice and counsel, he was constrained to employ counsel at or near Muskogee to file said arguments for him; that he only succeeded in employing Mr. Theodore Potts a practicing lawyer of Wagoner, I.T. to so file said arguments for him on the 20th of Jan. 1903 and that his said attorney will necessarily have to have a little time to examine the evidence and pleadings in said case and also to have the personal assistance of applicant. That owing to applicant's physical condition and the infirmity of ever encroaching age he will be unable to reach Wagoner or Muskogee until the 5th of February, 1903."

It appears from the records of the Commission that on August 23, 1902 the several applicants herein appeared before said Commission at its office in Muskogee, Indian Territory, being represented by J. C. Lowery, an attorney at law residing in Muskogee, Indian Territory, and made their several applications for identification as Mississippi Choctaws, and at the conclusion of the testimony given by them their attorney requested that they be allowed thirty days from said date in which to introduce additional testimony. That on January 7, 1903, no further testimony having been filed by the applicants, their case was finally considered by the Commission and a decision was rendered refusing their said applications on the ground that the evidence introduced was insufficient to determine their identity as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and

on said date said applicants, together with their attorney, J. C. Lowery, were notified by registered letter, of the rendition of said judgment and of the granting of fifteen days from the date thereof in which to file arguments in support of said applications, all of which notifications were duly received by the applicants and their said attorney as is evidenced by the return registry receipts bearing their signatures.

----- C O N C L U S I O N -----

The Commission deeming that these applicants have had sufficient time for the introduction of testimony and for the filing of arguments in support of their said applications, and further that as they were represented by an attorney who was and is now a resident of the city of Muskogee, it is the opinion of said Commission that the motion of the applicants herein for an extension of twenty days from the 23rd day of January, 1903 in which to file arguments in support of their said applications should be, and the same is hereby overruled.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman

Commissioner

Muskogee, Indian Territory

JAN 22 1903

Commissioner

M.C.R. 6186.

Muskogee, Indian Territory, January 7, 1903.

J. C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Christopher Bradford, et al., embracing the following applications for identification as Mississippi Choctaws:

Christopher Bradford,	M.C.R. 6186,
Samuel Bradford, et al.,	M.C.R. 6187,
Daniel Bradford,	M.C.R. 6188.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior"

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Christopher Bradford, Samuel Bradford, Thomas Bradford, Matthew Bradford, Etta Bradford, Eveline Bradford, Martha Bradford and Daniel Bradford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. O. L. # 3.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WICHITA

Samuel B. Davis

Acting Chairman.

Registered.

M.C.R. 6186.

Muskogee, Indian Territory, January 7, 1903.

Christopher Bradford,
Tomberlin, Arkansas.

Dear Sir:

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C. B. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Kirby
Acting Chairman.

Registered.

M.C.R. 6186.

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Acting Chairman.

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Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Christopher Bradford, Samuel Bradford, Thomas Bradford, Matthew Bradford, Etta Bradford, Eveline Bradford, Martha Bradford and Daniel Bradford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in this case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.
Respectfully,

[Signature]

Acting Chairman.

COPY

Muskogee, Indian Territory, January 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Christopher Bradford, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 22, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Christopher Bradford,	M.C.R. 6186
Samuel Bradford, et al.,	M.C.R. 6187
Daniel Bradford,	M.C.R. 6188

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tamm Birney

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 6186

M C R 6186

Muskogee, Indian Territory, January 23, 1903.

Theodore Potts,
Attorney-at-Law,
Wagoner, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the order of the Commission overruling the motion made by you for an extension of time of twenty days from January 23, 1903, within which to file arguments in the consolidated Mississippi Choctaw case of Christopher Bradford, et al.

Respectfully,

Acting Chairman.

Enc.- Hh4

Land
6145-1903

(Copy)

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

WASHINGTON, February 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Christopher Bradford; Samuel Bradford, for himself and his five children, Thomas, Matthew, Etta, Eveline and Martha Bradford; and Daniel Bradford, wherein a decision adverse to the applicants was rendered by the Commission on January 7, 1903.

The evidence in this case shows that the applicants base their claim to identification on their descent from Nancy Robinson, Samuel Robinson, Mary (Robinson) Bradford, and Lucinda (Daniel) Spight, who, it is alleged, were citizens of the Choctaw Nation, and resided in Alabama or Mississippi in 1830.

The Commission makes its decision rejecting these applicants for the reason that the names of Nancy Robinson, Sam Robinson, Lucinda Spight, nee Daniels, or ancestors less remote, or the principal applicant, do not appear in its records as having complied or

-2-

attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of Nancy Robinson, Samuel Robinson, Mary (Robinson) Bradford and Lucinda (Daniels) Spight, are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C.5907-1903.
I.T.D.1992-1903.
L.R.S.

(Copy)

J.W.H.
FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 22, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Christopher Bradford (M.C.R.6186), for himself; of Samuel Bradford for himself and his five minor children, Thomas, Matthew, Etta, Eveline and Martha Bradford; and of Daniel Bradford for himself, including your decision of January 7, 1903, refusing to identify them as such.

From the testimony of the principal applicant, Christopher Bradford, it appears that he was born 60 or 70 years ago in Madison county, Alabama. His mother, Mary Bradford, nee Robinson, was a $3/4$ blood Choctaw, and his grand parents, Sam and Nancy Robinson, were both possessed of Indian blood, the former being a $1/2$ blood and the latter a full blood Choctaw.

The other applicants are the children and grand-children of Christopher Bradford. They also claim through his wife, Sallie Bradford. She was the daughter of Mrs. Dan Spight, formerly Lucinda Daniels. It seems that she was a full blood Choctaw and the head of a family in 1830, and that she was born in 1800 or

within a few years thereafter. Applicant Samuel Bradford claims that Lucinda Spight appears before Col. Ward, or before one of the Commissions subsequently appointed to adjudicate claims arising under article 14 of the treaty of Dancing Rabbit Creek, and presented a claim thereunder, which was refused. The reason for such adverse action does not appear. Said ancestor was living in 1900.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the Government in your possession, as well as those at the Indian office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 17, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

-2-

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(signed)

THOS. RYAN,

1 inclosure.

Acting Secretary.

M.C.R. 6186.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Christopher Bradford,
Tomberlin, Arkansas.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Christopher Bradford, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

Yours

James Bixby
Chairman.

M.O.R. 6186.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Christopher Bradford, et al., of which decision you were advised by mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M.C.R. 6186.

COPY.

Muskogee, Indian Territory, March 12, 1903.

J. C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Christopher Bradford, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

SIGNED:

Tams Bixby.
Chairman.

Consolidated Case
of

~~Read~~

Christopher Bradford

6186

Nancy Robinson (fb)
Sam Robinson's

Mary Robinson ^{neg}
_(dead)
mar
Columbus Bradford _(dead)

Lucinda Daniel (fb)
mar
Daniel Spight

mcR
6186
Christopher Bradford ^(60 or 75)
_{4?}

wife

Sallie Bradford ^{neg}
_{dead}

mcR
6177
Samuel Bradford ²⁸⁻³
₂

wife

Rowena Bradford
_(neg)

mcR
6188
Daniel Bradford ²²⁻³
₈

6187
Thomas Bradford 8
Etta Bradford 7
Matthew Bradford 6
Eveline Bradford 3
Martha Bradford 1

No. 6180

For Identification as a Mississippi Choctaw.

Date

Name *Christopher Bradford*

Age *60* — Blood *$\frac{1}{4}$*

Post Office, *Timberline*, *Ark.*

Father: *Columbus Bradford, d.*

Mother: *Mary ~~Robinson~~ ^{Bradford} ~~neg.~~ ^{neg.} d.*

Claims through mother
wife —

Sallie Bradford, d.

*$\frac{1}{2}$ Choctaw —
 $\frac{1}{4}$ neg.
 $\frac{1}{4}$ white*

~~Children:~~

Claims for self alone

Stenographer *Elara Mitchell Wood.*

Choctaw MCR 6187

Samuel Bradford

See MCR 6186

MCR 6187

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, August 23, 1908.

In the matter of the application of Samuel Bradford
 for the identification of himself and his five minor
 children Thomas, Matthew, Etta, Eveline and Martha
 Bradford as Mississippi Choctaws.

Applicant represented by J.C. Lowery Attorney at law.

Samuel Bradford being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Sam Bradford.
 Q Samuel or Sam? A Samuel.
 Q What is your age? A Twenty eight years old.
 Q What is your present office address? A Near Arkansas.
 Q How do you spell Near? A N-e-a-r.
 Q How long have you lived in Arkansas? A I lived in Arkansas about fifteen years.
 Q Where did you live before that? A Tennessee and Mississippi.
 Q Where were you born? A Mississippi.
 Q Do you remember where in Mississippi? A In De Sota County.
 Q And you lived in Mississippi how long before you went to Tennessee? A I cant say how long I lived there; left there when I was small.
 Q You went to Tennessee from there? A Yes sir.
 Q And how long did you live in Tennessee? A I dont know sir.
 Q Where did you go from Tennessee? A Arkansas.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A No sir.
 Q What is your father's name? A Christopher Bradford.
 Q What was your mother's name? A Sallie Bradford.
 Q Through which parent do you claim Choctaw blood? A Mother.
 Q How much Choctaw blood do you claim? A My grandmother was a full blood; my mother she was a half and I dont know hardly what I would be.
 Q You would be half of your mother wouldn't you? A Yes sir.
 Q If your grandmother was a full blood and your mother got her Choctaw blood from her only, she would have half of that quantity which would be one half? A Yes sir.
 Q Do you get any Choctaw blood from your father? A I dont know sir.
 Q He has made application himself today hasn't he? A Yes sir.
 Q You claim from your mother you say and why dont you claim through your father too? A I claim through him too.
 Q You must claim from whoever you have Choctaw blood from - mother and father; if your mother was a half Choctaw you would have half of that which would be one fourth; how much do you claim from your father; he claimed to be one fourth.
 A I dont know how much that would make me.
 Q One fourth and one eighth - how much is that? A I dont know sir.
 Q It would be three eighths. Do you know whether that's right?
 A Yes sir that's right.

- Q You claim three eighths then do you? A yes sir.
- Q Has your father or mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Have you the proof of the marriage of your father and mother with you? A No sir.
- Q Are you married? A Yes sir.
- Q What's your wife's name? A Her name is Rowena Bradford.
- Q R-o-w-e-n-a? A Yes sir.
- Q Is she living? A Yes sir.
- Q Is she a colored woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Give me the name of your oldest child under twenty one years and unmarried? A Thomas.
- Q A boy? A Yes sir.
- Q How old is Thomas? A Eight years old.
- Q The next? A Matthew.
- Q Two "t"s in Matthew? A Yes sir.
- Q How old is Matthew? A Six.
- Q The next? A I told one wrong there; there's one between Matthew and Thomas. Etta.
- Q How old is Etta? A Seven years old.
- Q The next? A Matthew.
- Q The next? A The next is Eveline.
- Q E-v-e-l-i-n-e? A Yes sir.
- Q How old is Eveline? A Three years old.
- Q The next? A The next is Martha.
- Q That's the youngest? A Yes sir.
- Q How old is Martha? A One year old.
- Q You claim for yourself and these five children? A Yes sir.
- Q Is Rowena the mother of these children? A Yes sir.
- Q And you are the father are you? A Yes sir.
- Q Were you and your wife married by a minister under a license? A Yes sir.
- Q When and where were you married? A I was married in Conway.
- Q In what state? A Arkansas.
- Q Give me the exact date? A I was married the 27th day of August 1893.
- Q Have you that marriage license with you now? A No sir I have not.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for your self and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is your first application for yourself and children is it of any kind to the Dawes Commission or any other authority? A Yes sir.
- Q Do you want to be identified with your children as Mississippi Choctaw? A Yes sir.

S Bradford 3.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830; this treaty was ratified on the 24th day of February following; the object of the treaty was to remove all the Choctaw Indians who lived in the old nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory; in order therefore to protect the rights of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty; the treaty was then signed and afterwards ratified; it reads as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states in that case the grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity?

Q You understand that now? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Callie Bradford.

Q That's your mother? A Yes sir.

Q Did she live in Mississippi in 1830? A I don't know sir.

Q Well now go back to your remote ancestor the one who lived in Mississippi or Alabama if you know of any living there in the year 1830 when the treaty of Dancing Rabbit Creek was made? I heard them say they lived there; I don't know anything about it.

Q Who? A My mother and grandmother

Q Heard them say your mother lived there? A Yes sir.

Q Your father is living now is he? A Yes sir.

Q Don't you claim through him? A Yes sir.

Q He said he was living in Mississippi in 1830? A Yes sir.

Q You heard him testify did you? A Yes sir.

Q He said he's seventy five years old; the treaty was made seventy two years ago; therefore he was three years old according to his statement but he's a little bit misty about his dates; he isn't very certain about his age; he said he was sixty, sixtyfive, seventy, seventy two and seventy five. What do you know about your father having lived in Mississippi in the old Choctaw Nation in 1840; did you think he did from what you have heard.

- A yes sir from what I have heard I think he did.
- Q He was a small fellow at that time was he? A Small; I suppose he was; I dont know.
- Q Now he claims Choctaw blood; you claim through him dont you?
- A yes sir and my mother.
- Q But you claim through him? A yes sir.
- Q What was his mother's name? A I dont know sir..
- Q Didn't you hear him give the name? A I heard him but I fer get it; I never did see her.
- Q You are here to make application claiming Choctaw blood through your ancestor and your father's comes here and claims Choctaw blood and gives his mother as his ancestor; it seems to me you ought to know her name; it's important in your case. Did you ever hear the name of Mary Bradford? A Yes sir.
- Q Who was Mary Bradford? A His mother is what he said.
- Q Do you know the name of her husband your father's father.
- A He was a Bradford.
- Q What was his given name? A I dont know sir; I heard him say but I never did see him.
- Q His name was Columbus; did you know your grandfather's name was Columbus? A I heard him say; I dont know.
- Q Do you know anything about it? A No sir I dont.
- Q He said his mother was one have Choctaw and they lived in Mississippi in 1830; do you know anything about it?
- Q No sir I heard him say so.
- Q You heard him say so here? A Yes sir.
- Q Did you ever hear him say so any other time? A Yes sir. I heard him say so several times.
- Q Did you understand that your father was living in Mississippi in 1830 a small boy three years old? A Yes sir I remember hearing him say that.
- Q Then on your father's mother's side you claim through Mary Bradford who lived in Mississippi in the old Choctaw Nation in 1830 and had one child your father living at that time; you also claim on your mother's side do you? A yes sir.
- Q Sallie Bradford? A Yes sir.
- Q How much Choctaw blood did Sallie Bradford have? A One half.
- Q Did she claim through her father or mother? A Mother.
- Q What was her mother's name? A Lucinda.
- Q That's what your grandmother and others said? A Yes sir.
- Q Lucinda what? A Daniels.
- Q How much Choctaw blood did Lucinda Daniels have? A Full blood.
- Q Mary Bradford was your grandmother? A Yes sir.
- Q On which side? A On father's side.
- Q And Lucinda Daniels was your grandmother on your mother's side? A Yes sir.
- Q Mary Bradford had how much Choctaw blood? A I dont know sir.
- Q Lucinda Daniels was a full blood Choctaw Indian was she?
- A Yes sir.
- Q What was her husband's name? A Her husband's name was Spight.
- Q What was his given name? A Dan.
- Q And was Lucinda Daniels the maiden name of your grandmother?
- A Yes sir..
- Q Did she marry Daniel Spight? A Yes sir.
- Q Did Mary Bradford live in the same place with Lucinda Spight lived in Mississippi? A I dont know sir.
- Q Did Lucinda Spight nee Daniel live in the old Choctaw Nation in 1830? A That's what they say.
- Q Did she have children living then? A Yes sir; that's what they say.

- Q How old would she be if living now? A I dont know sir.
- Q How old would Mary Bradford be if living now? A I dont know sir.
- Q When did Mary Bradford die? A I dont know sir.
- Q When did Lucinda Spight die? A She wasn't dead two years ago.
- Q How old is she now? A She's close to a hundred years old, I know because she's blind.
- Q And claims she lived way back there seventy two years ago and was married seventy two years ago and had a family?
- A They say she married; I dont know.
- Q Ho said she was married in 1830? A They didn't say she was married in 1830 but said she married in 1830/
- Q I asked you if Lucinda Spight who married Daniels was'nt living and married in Mississippi in 1830 and had children then? A I dont know sir only what they say.
- Q Does anybody say so? A She married there; I dont know whether she married in 1830.
- Q Answer my question now; did they say that she was a married woman living in ~~the~~ Mississippi in the year 1830 and had children then? A Yes sir she said so.
- Q Who said so? A My mother.
- Q Your mother told you so? A Yes sir.
- Q And is that all you know about it? A Yes sir; I dont know anything else about it only what they say.
- Q Who say? A My mother.
- Q Your mother isn't ~~they~~ A well mother then
- Q You must be particular and definite. A Yes sir.
- Q So then it's a matter of family history and tradition with you is it that your grandmother Spight was living in Mississippi in the old Choctaw Nation, was a married woman and had children there in 1830? A Yes sir.
- Q And the same you say is true as a matter of family history and tradition of your father's mother Mary Bradford? A Yes sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward at his office or agency in Mississippi and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A Yes sir; so my mother said.
- Q Tell me what your mother said? A She said they went there.
- Q Went where? A Before the Commissioner.
- Q What Commissioner? A The United States Commissioner.
- Q There was no United States Commissioner and there was an Indian Agent Colonel Ward.
- A Well I heard them say the Commissioner; they went before him.
- Q Did they say Colonel Ward? A Yes sir Colonel Ward the Commissioner.
- Q He was the United States Indian Agent; he wasn't the Commissioner; go on and tell what your mother said? A Said they went before him and was rejected by some cause or other.
- Q Did you ever hear anybody else say so? A No sir only my mother and grandmother.
- Q What grandmother? A Lucinda.
- Q Did Lucinda Spight say that Mary Bradford went before the United States Indian Agent? A I haven't heard her say that.
- Q Did Lucinda Spight know Mary Bradford? A I dont know sir.
- Q Did Lucinda Spight your grandmother go to Colonel Ward herself? A Yes sir so she said.
- Q Who went with her? A I dont know sir.
- Q Who was Colonel Ward; was he a white man or Choctaw Indian

- A I dont know sir.
 Q Did he speak the Choctaw language? A I dont know sir.
 Q Did he represent the Indians or did he represent the government? A I dont know sir.
 Q Did you ever hear of Dancing Rabbit Creek? A No sir.
 Q Where did Colonel Ward have his agency or office - place of doing business in Mississippi? A I dont know sir.
 Q Did any of your Choctaw ancestors own any land or receive any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know sir.
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I dont know sir.
 Q Did you ever hear that any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830
 A No sir.
 Q Or in 1831?? A No sir; my mother said they never owned any.

The Indians who remained in Mississippi or Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a good many Choctaw Indians did this whose names this United States Indian Agent Colonel Ward neglected to put upon his list known as Wards register; his failure to make a proper register of the names of those Mississippi Choctaw Indians who went to his office within six months after the ratification of the treaty and pursuant to the conditions of Article fourteen of that treaty caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 a commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830; this first commission was appointed under an act of Congress approved March 3 1837 and the second commission under an act of Congress approved August 23 1842.

- Q Did any of your Choctaw ancestors go before either of those Commissions and claim benefits under article fourteen of the treaty of 1830? A yes sir; I heard them say they did.
 Q Before which commission - do you remember? A No sir; I dont know which one.
 Q Are you sure they went before one? A Yes sir; my mother said they went before them.
 Q Was that application successful or did they fail to receive any land? A They failed to receive any land.
 Q You are pretty sure about that? A yes sir; my mother told me so.
 Q Which ancestor was it went before one of these two commissions
 A My mother and my grandmother both.
 Q How old would your mother be if living now? A I dont know sir; I cant tell, when she was born.

- Q Your father is anywhere from sixty to seventy five years old; cant you guess about how old your mother would be.
A I might guess but I wouldn't know.
Q So you heard that your mother went before one of these commissions and have no idea which commission it was? A No sir I dont know which one.
Q You heard your grandmother - your mother's mother went before one - which one did she go before? A I dont know sir.
Q Did you hear that either of your ancestors or any of them either on your father's side or your mother's side received any scrip from the government which entitled them to select land either in Mississippi Alabama Louisiana or Arkansas?
A No sir.

This scrip was issued under an act of Congress approved August 23 1842 and it was given to those Choctaw Indians who proved first their right to claim under article fourteen of the treaty of 1830 and also proved that they had had land taken from them in Mississippi and sold by the government at its public land sales.

- Q Is your father the only relative you have who has been before the Commission to be identified as a Mississippi Choctaw?
A Yes sir.
Q Do you want to have your case and his consolidated and both considered together so that you can get the benefit of his testimony? A I thought mine would be separate.

By Attorney J.C. Lowery:

We would rather not have them consolidated.

By the Commission:

The cases will be considered together in so far as he claims through his father but in so far as you claim through another branch of course it will not be; your claim will be passed upon by what you have testified as to your Choctaw ancestry coming down through your father's side and your mother's side.

- Q Is there anything more you want to say now in support of this claim? A No sir.
Q Have you any other testimony you want to present at this time? A No sir.
Q Do you speak the Choctaw language? A No sir.
Q Do you know whether your grandmother Spight or your grandmother Bradford either of them spoke the Choctaw language?
A I know my grandmother Spight spoke the Choctaw language.
Q Dont know about your grandmother Bradford? A No sir.
Q Did you ever see your grandmother Lucinda Spight? A Yes sir.
Q Did she have any negro blood? A No sir.
Q How much negro blood do you claim to have? A I figured it out a while ago; I dont know exactly; my grandmother was a full blood and my mother half.
Q How much Choctaw blood have you got? A I dont know exactly
Q Were any of your ancestors on either side - your father's or mother's at any time slaves? A No sir.

8 Bradford 8

Examination by J. C. Lowery attorney for applicant.

- Q Mr Bradford when was the last time you saw your grandmother Spight? A About two years ago.
- Q Where was she living at that time? A She was living over here at Vina-
- Q she claimed she was a full blood? A Yes sir.
- Q Speaks the Choctaw language? A Yes sir.
- Q Do you and her correspond with each other; have you been in the habit of doing so for the last few years? A Yes sir.
- Q Have you got any information of the death of her or anything of that kind? A No sir.
- Q And in your opinion and judgment now she's living? A Yes sir.

Attorney for applicant here makes motion for at least fifteen days to introduce further testimony in this case.

Examination by the Commission:

- You think this ancestor of yours Lucinda Spight is now living?
- A I guess she is; I haven't heard from her - haven't seen her in two years; I haven't heard of her death.
- Q And you claim she lived and was married in Mississippi in 1830? A That's what they say - she was.
- Q You think you can introduce that witness here? A Yes sir.

If you put up any such claim as that and you have any idea that you can introduce her as a witness in the case, as ancestor of yours through whom you claim Choctaw blood who lived in Mississippi in 1830 was married and had a family there then and complied with article fourteen, you may have thirty days to do it and if you can't get her here in that time you can have more time; we want to see such a witness as that.

Thirty days time will be allowed this applicant for the introduction of further testimony.

This applicant claims that the original ancestor through whom he claims is now living, named Lucinda Spight, who was living in Mississippi in 1830, married at that time and complied with article fourteen of the treaty of 1830; the Commission will grant such time for the introduction of that witness and in the event she may not be able to get here, the taking of her deposition if taken within thirty days from this date.

This applicant has the appearance and physical characteristics of being descended from a mixed parentage of negro and white blood and claims also Choctaw blood; the Commission is unable to determine how much Choctaw blood he has if any; his hair is black but it is coarse; the hair would show somewhat a strain of Indian blood; his color is more of an Indian than a negro; mustache black and straight; the Commission believes that if he has any Choctaw blood he gets it through his mother, not his father. He does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article

fourteen of the treaty of Dancing Rabbit Creek further than that he claims his grandmother Lucinda Spight went before Colonel Ward and tried to register and went before one of the commissions of 1837 or 1842. This witness he desires to bring before the Commission.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 23rd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of August 1902.

B. C. Jones
Notary Public.

M.C.R. 6187.

Muskogee, Indian Territory, January 7, 1903.

Samuel Bradford,

Osau, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Christopher Bradford, et al., embracing the following applications for identification as Mississippi Choctaws:

Christopher Bradford,	M.C.R. 6186,
Samuel Bradford, et al.,	M.C.R. 6187,
Daniel Bradford,	M.C.R. 6188.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Christopher Bradford, Samuel Bradford, Thomas Bradford, Matthew Bradford, Etta Bradford, Evelyn Bradford, Martha Bradford and Daniel Bradford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

S. B. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm B. B.

Acting Chairman.

Registered.

M.C.R. 6187.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Samuel Bradford,

Esau, Arkansas.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Christopher Bradford, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

Yours

Fane Bixby.
Chairman.

No. 6187

For Identification as a Mississippi Choctaw.

Date

Name *Samuel Bradford*

Age *28* — Blood, *3/8*

Post Office, *Osau, Ark.* —

Father: *Christopher Bradford, l*

Mother: *Sallie " d*

Claims through *Mother's* father
wife - *Roxana Bradford, l. neg*

No claim for wife -

Children:

Thomas Bradford, 8

Matthew " 6

Elta " 7

Corliss " 3

Marta " 1

claims for self &

5 minor -

Stenographer *Alex Maitre Wood*

Choctaw MCR 6188

Daniel Bradford

See MCR 6186

MCR 6188

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory August 23, 1902.

In the matter of the application of Daniel Bradford for
identification as a Mississippi Chectaw.

Applicant represented by J.C. Lowery attorney at law

Daniel Bradford being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Daniel Bradford.
Q What is your age? A Twenty two.
Q What is your post office address? A Timberlin Arkansas.
Q How long have you lived in Arkansas? A About eighteen years.
Q In different places? A Yes sir.
Q Where were you born? A Born in Tennessee.
Q Went from Tennessee to Arkansas? A Yes sir.
Q Where in Tennessee were you born? A In Memphis.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Christopher Bradford.
Q What is your mother's name? A Gallie Bradford.
Q Through which parent do you claim Chectaw blood? or do you claim
through both? A Mother.
Q Don't you claim through your father too? A Yes sir.
Q Claim through father and mother? A Yes sir.
Q How much Chectaw blood do you claim? A A Vell
I dont know sir; my mother was a half.
Q And how much is your father? A He said he was one fourth.
Q How much is and one fourth? A I dont know sir.
Q One half and one fourth makes three fourths; you are a half
of three fourths if that's correct? A Yes sir.
Q How much is half of three fourths? Three eighths isn't it?
A Yes sir.
Q If it's three eighths do you claim that? A Yes sir.
Q Have your parents ever been recognized in any way or enrolled
as members of the Chectaw tribe of Indians by the Chectaw
tribal authorities or by the United States authorities in
Indian Territory? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Chectaw Nation
in Indian Territory? A No sir.
Q When and where were your father and mother married? A I dont
know sir.
Q Were they married by a minister? A Yes sir; that's what
they say.
Q Have you the proof of that marriage with you? A No sir.

It will be necessary for you to introduce the proof of the mar-
riage of your father and mother in support of this application
that you make for yourself.

- Q How e you ever made application for citizenship in the choctaw nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw nation to the paves Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a member of the Choctaw tribe? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of Dancing Rabbit creek was entered into in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the State of Alabama; the object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to a new country west of the Mississippi river part of which is now occupied by the main portion of the Choctaw tribe of Indians; at the time the treaty was made some of those Choctaws were unwilling to move to the new country west of the Mississippi river but preferred to remain in what constituted the old Choctaw Nation; for the benefit of those Indians the fourteenth article was put into the treaty; that fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who enjoin under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A No sir not as I know of.

- Q Who do you claim your right to be identified through now?
A My mother.
Q Callie? A Yes sir.
Q How old would she be if living now? A Well I dont know sir.
Q How old do you think? A I might guess at it but I dont know.
Q Would she be an old lady or middle aged woman? A I guess she would be an old lady.
Q You think she would? A I guess so.
Q You said you didn't like to guess a minute ago? A I dont.
Q You dont know anything about that? A No sir; I dont know about how old she was.
Q She claimed through whom - father or mother. A Mother.
Q What was your mother's mother's name? A Lucinda Daniel.
Q Whom did she marry? A Married man Spight.
Q Is that your grandmother's name Lucinda Spight? A Yes sir.
Q And that was your mother's mother? A Yes sir.
Q Did she live in Mississippi in 1830? A I dont know sir.
Q Do you know whether she lived in the old Choctaw Nation in Mississippi in 1830 and had a family of children living with her then? A I dont know sir. A I dont know sir.
Q Do you claim through any other ancestors besides Lucinda Spight nee Daniel? A No sir.
Q Yes you do; you claim through your father dont you? A Yes sir.
Q Whom do you claim through on your father's side - his father or mother? A His mother.
Q What was her name? A I dont know sir.
Q Did you ever hear of Mary Bradford? A Yes sir; I heard him say so.
Q Then you know that his mother's name was Mary Bradford dont you? A Yes sir.
Q It seems to me that you dont take much stock in your father's mother's Choctaw blood; is that so? A I dont know anything about it.
Q You heard him testify here; what do you think about his testimony; is it what he has told you before? A Well he hasn't told me all that before.
Q Did your father testify to his Choctaw ancestry and facts in connection with this claim before you today that you never heard him mention before in your life? A Yes sir.
Q And he hasn't posted you very well has he? A No sir.
Q Then you claim through two grandmother's - your father's mother Mary Bradford and your mother's mother Lucinda Spight?
A Yes sir.
Q How much Choctaw blood did Mary Bradford have? A I dont know sir.
Q How much Choctaw blood did Lucinda Spight have? A Full Indian.
Q Did you ever hear how much Mary Bradford had? A No sir.
Q Your father testified as to the quantity a while ago; he testified so many things you got mixed about it didnt you? A I got mixed up.
Q What proof or information have you that Mary Bradford your father's mother had Choctaw blood lived in the state of Mississippi in 1830 and had a family of children there at that time? A None.
Q What proof have you that Lucinda Spight your mother's mother was a full blood Choctaw Indian and lived in Mississippi in 1830 in the old Choctaw Nation and had children living there then? A I have none.
Q Have you heard these facts through your father or any one of them or through any of your relatives any more than what they said right here? A A No sir.

- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I dont know sir
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi take land and become citizens of the States? A I dont know sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I dont know sir.
- Q You dont know whether either of those ancestors you have mentioned Mary Bradford your father's mother or Lucinda Daniels your mother's mother complied with article fourteen of the treaty of 1830? A No sir I dont know.
- Q Do you know whether either of them or any Choctaw ancestor of yourself went before the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and asked to be registered by him as Choctaws desiring to stay in Mississippi take land and become citizens of the States but failed to get their names put upon his registry list? A I dont know sir.
- Q A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list; this was the fault of Ward entirely and on account of his negligence a good many Choctaw Indians who had land in Mississippi and Alabama in the old Choctaw Nation upon which they had improvements had both their land and improvements taken from them and sold by the government at its public land sales; this caused naturally a great many complaints among the Indians - Choctaw Indians so that in 1837 by an act approved March 3 of that year Congress appointed a Commission; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under that article of the treaty.
- Q Do you know whether any of your Choctaw ancestors either on your father's side or your mother's side went before either of these two commissions that of '37 or '42 and claimed any benefits as Choctaw Indians under article fourteen of the treaty? A No sir I dont.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly had in the old Choctaw Nation and which the government had taken from them and sold? A I dont know sir.

This scrip was issued to Choctaws who claimed they had had land under article fourteen which had been taken from them by the government and sold; it was issued under an act of Congress approved August 23, 1842.

- Q How old would Lucinda Spight be if living now? Or is she living now? A I dont know sir whether she's living or not.
- Q How old would she be if she were? A I dont know.
- Q Did you hear your brother Samuel Bradford testify? A Yes sir

D Bradford -5

- Q He said he thought Lucinda Spight was living now? A Yes sir
- Q Do you know anything about it? A No sir I dont know whether she's living not not.
- Q This is the same Lucinda Spight nee Daniels whom you claim lived in Mississippi in 1850 and was married and head of a family there then and was in a position to comply with article fourteen was it? A Yes sir it's the same one.
- Q Do you think that you could make an investigation as to whether she was living at the present time and if so if you could get her before the Commission to testify?
- A No sir I cant say whether she's living or not.
- Q Do you want time to look up this matter and get her here if possible? A Yes sir.
- Q Will you make an effort to get her here to testify? A Yes sir
- Q You heard your brother say he thought she was living? A I guess he's heard from her since I have.
- Q Do you want any time granted to you in which to investigate this matter and present further testimony if you can in support of this claim? A Yes sir I will try.

Thirty days time is allowed the same as in the case of your brother Samuel Bradford for you to introduce and material evidence that is proper before the Commission in support of this claim.

- Q Do you speak the Choctaw language? A No sir/
- Q Have you any other evidence you want to submit now? A No sir.
- Q Do you want your case and that of your brother considered together also that part of your father's case which refers to the Choctaw ancestry which you claim through him? A Yes sir I guess so.

These cases will be consolidated for that purpose.

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- Q Have you any questions Mr Leary.

Examination by J.C. Lowery attorney for applicant.

- Q Did you ever see your grandmother on your father's side?
- A No sir.
- Q Did you ever see your grandmother on your mother's side?
- A Yes sir
- Q How long ago has that been? A Must have been about fifteen years I guess.
- Q You dont live in the same place your brother does do you
- A No sir.
- Q How old was you when you seen your grandmother on your mother's side? A I was about - I dont know sir exactly how old I was; I cant tell you; it's been fifteen years ago.
- Q And you are now about twenty two? A Yes sir.
- Q What was her appearance at that time? A As to being a negro woman or a white woman or Indian woman? A Indian woman.
- Q Did she speak the Choctaw language? A I dont know sir I never could understand it.
- Q All that you knew about your ancestor you have gleaned it from traditional history - from what they have told you?
- A Yes sir.
- Q Did you ever have any conversation with your grandmother on

D Bradford 6

- your mother's side relative to where you come from or who you belonged to as to racial matters? A No sir.
- Q Did you ever hear her say she belonged to ~~any~~ the Choctaw tribe of Indians? A No sir.
- Q Which is the eldest - you or your brother? A Brother
- Q How often have you been with your grandmother on your mother's side, Mrs Spight? A I haven't been with her very much
- Q Don't know much about her then? A No sir.
- Q You would know her if you would see her though? A Yes sir.
- Q What was the last place you heard she was residing at? A The same place they said a little while ago.
- Q Vian? A Yes sir.

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The applicant has the appearance and physical characteristics of being descended from negro and white parentage; claims Choctaw blood; the commission is unable to determine whether he has Choctaw blood or how much; he does not show much trace of Choctaw blood as his brother Samuel Bradford; hair is clipped closely and the Commission is unable to determine whether it's coarse and straight or whether it's finer and wavy; he does not understand the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with article fourteen of the treaty of 1830.

- Q Are you a full blood brother of Sam Bradford? A Yes sir.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 23rd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of August 1902.

B. C. Jones
Notary Public.

2188

Department of the Interior .
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, August 23 1902.

In the matter of the application of Daniel Bradford for identification as a Mississippi Choctaw.

Christopher Bradford, being first duly sworn as a witness in the above entitled cause testified as follows:

Examination by the Commission.

- Q What is your name? A Christopher Bradford.
Q What is your age? A My age I cant tell ; I have to guess at it; sixty or seventy or maybe seventy five.
Q What is your post office address? A Timberlin Arkansas.
Q What is your occupation? A Farming.
Q How long have you lived in Arkansas? A About eighteen years I reckon.

Examination by J.C. Lowery attorney for applicant.

- Q Do you know Samuel Bradford and Daniel Bradford? A Yes sir.
Q What relation are they to you? A They are my sons.
Q Do you know the grandmother of your sons on their mothers side - Mrs Spights? A Yes sir I know her well.
Q How long have you known her? A About twenty some odd years.
Q Is she living or is she dead to the best of your knowledge.
A Living the last I heard of her:
Q How long ago was that? A About two years.
Q Do you and Samuel Bradford live in the same town? A No sir.
Q Same vicinity? A Same state.
Q How close do you live together? A About fifty something miles.
Q What is the description of this grandmother of these two boys of yours as to being Indian or white woman or negro.
A She was Indian
Q Does she speak the Indian language - the Choctaw language?
A Yes sir.
Q And you never heard of her being dead or anything of the kind
A No sir; she was blind the last I heard of her.
Q How old would she be now if living? A I cant tell you.
Q She's older than you is she? A I dont know sir whether she is or not; I cant tell you; I dont know anything about her age.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled case on the 23rd day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 23rd day of August 1902.

W. C. Jones
Notary Public.

6188

Department of the Interior .
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 23 1902.

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Examination by the Commission.

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Q What is your occupation? A Farming.
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Examination by J.C. Leary attorney for applicant.

- Q Do you know Samuel Bradford and Daniel Bradford? A Yes sir.
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Q She's older than you is she? A I dont know sir whether she is or not; I cant tell you; I dont know anything about her age.

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Subscribed and sworn to before me this 23 day of August 1902.

Clara Mitchell Wood
B.C. Jones
Notary Public.

6188

Department of the Interior .
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 23 1902.

In the matter of the application of Daniel Bradford for
identification as a Mississippi Choctaw.

Christopher Bradford, being first duly sworn as a witness
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Q How long have you lived in Arkansas? A About eighteen years
I reckon.

Examination by J.C. Leary attorney for applicant.

- Q Do you know Samuel Bradford and Daniel Bradford? A Yes sir.
Q What relation are they to you? A They are my sons.
Q Do you know the grandmother of your sons on their mothers
side - Mrs Spight? A Yes sir I know her well.
Q How long have you known her? A About twenty some odd years.
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age.

Clara Mitchell Wood being first duly sworn upon her oath
states that as stenographer for the Commission to the Five
Civilized Tribes she reported in full all proceedings had
in the above entitled case on the 23rd day of August 1902
and that the above and foregoing is a full true and correct
transcript of her stenographic notes of said proceedings on
said date.

Subscribed and sworn to before me this 25 day of August 1902.

Bl Jones
Notary Public.

M.C.R. 6188.

Muskogee, Indian Territory, January 7, 1903.

Daniel Bradford,
Tomberlin, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Christopher Bradford, et al., embracing the following applications for identification as Mississippi Choctaws:

Christopher Bradford,	M.C.R. 6186,
Samuel Bradford, et al.,	M.C.R. 6187,
Daniel Bradford,	M.C.R. 6188.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Christopher Bradford, Samuel Bradford, Thomas Bradford, Matthew Bradford, Etta Bradford, Eveline Bradford, Martha Bradford and Daniel Bradford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

D. B. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

George D. ...
Acting Chairman.

Registered.

M.C.R. 6188.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Daniel Bradford,
Tomberlin, Arkansas.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Christopher Bradford, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

No. 6188

For Identification as a Mississippi Choctaw.

Date

Name *Wamie Bradford*

Age *22* - Blood *3/8*

Post Office, *Tomberlin, Ark*

Father: *Christopher Bradford, C.*

Mother: *Sallie* " *d*

Claims through *father & mother*

~~Children:~~

*Claims for
self alone*

Stenographer *Clara Muelhous Wood*

Choctaw MCR 6189

Susie Carr McNeely
by

Sarah E. Suggs

See MCR 6190, 6191, 6192

MCR 6189

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Susie Carr McNeely, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Susie Carr McNeely, et al.,	M. C. R. 6189
Martin C. McNeely, et al.,	M. C. R. 6190
Margaret E. McNeely,	M. C. R. 6191
Jerome McNeely, et al.,	M. C. R. 6192

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List of papers forwarded to the Secretary of the Interior, com-
prising the record in the consolidated case of Susie Carr McNeely,
et al.

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	Page.
Original application of Susie Carr McNeely, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Original application of Martin C. McNeely, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	8
Affidavit of Lottie Ellis,.....	14
Original application of Margaret E. McNeely to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw,.....	16
Original application of Jerome McNeely, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	21
Marriage record between Levi A. McNeely and Millie P. Roberts,.....	27
Decision of the Commission to the Five Civilized Tribes, re- fusing the applications for identification as Mississippi Choctaws in consolidated case of Susie Carr McNeely, et al.,.	28

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 25, 1902.

#6189.

In the matter of the application of Sarah E. Suggs, a white woman, for the identification of her two minor children, Susie Carr McNeely and Caddie E. McNeely, as Mississippi Choctaws.

No attorney.

Sarah E. Suggs being first duly sworn testifies with reference to the application which she makes for her two minor children as follows:

Examination by the Commission.

- Q What is your name? A Sarah E. Suggs.
Q What is your age? A I was 58 years old last New Years day, be 59 my next birthday.
Q What is your post office address? A Pike.
Q Where? A Chickasaw Nation, Indian Territory.
Q How long have you lived in the Indian Territory? A I have been there, I don't just recollect how long.
Q One year or ten or twenty? A I have been there about one year.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Well I don't know where I was born.
Q When did you leave Mississippi? A Well, I was about one year old as well as I know.
Q You went where? A To Texas.
Q How long did you live in the state of Texas, about how long? A I have been living there for about twenty years.
Q Where did you live in Texas? A Anderson County close to Palestine.
Q Then you went where? A To the Indian Territory.
Q And have lived in the Territory since? A Not all the time.
Q Where have you lived most of the time? A In Ellis County.
Q What state? A Texas.
Q And you came to the Territory and went back to Texas? A Yes sir.
Q But you have lived now in the Territory about a year and before that you lived in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A R. G. Montgomery.
Q What was your mother's name? A Martha Montgomery.
Q Through which parent do you claim Choctaw blood? A My children?
Q Are you claiming for your children? A Yes sir, I ain't claiming none at all.

- Q You are a white woman? A Yes sir, they get it on the McNeely side.
- Q And you come here today to claim the right to identify your children? A Yes sir.
- Q Through your husband? A Bob McNeely, my first husband.
- Q How much Choctaw blood did Bob McNeely have? A He claimed he had one-eighth, I think.
- Q Your husband had one-eighth? A Yes sir.
- Q The father of these children is named what? A Bob McNeely.
- Q And you are the mother? A Yes sir.
- Q When did Bob McNeely die? A He has been dead 15 years the 3rd day of this last January.
- Q Where did he die? A In Wise County in Texas.
- Q What is your oldest child's name? A Susie Carr McNeely and Caddie E. McNeely.
- Q How much Choctaw blood do you claim for Susie Carr McNeely? A One sixteenth I guess.
- Q And the same for Caddie? A Yes sir, they are both sisters.
- Q Do they live with you at Pike, Indian Territory? A Yes sir.
- Q When and where were you married to your husband, Bob McNeely? A In Anderson county.
- Q What state? A Texas.
- Q Do you remember the date of your marriage? A No sir, I don't.
- Q Were you married by a minister under a license? A Yes sir.
- Q You have been married since have you not? A Yes sir.
- Q J. F. Suggs is your present husband? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q You are making this claim for Susie and Caddie through their father, Bob McNeely? A Yes sir.
- Q Do you know whether Bob McNeely was ever recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
- Q Do you know whether the names of these two minor children are to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I don't know that they are, but I guess my two boys are, Bill and Jim.
- Q William L. McNeely and James McNeely? A Yes sir.
- Q They made application to be identified as Mississippi Choctaws did they not? A Yes sir, the same time that George and Tom McNeely, they were all here the same time I think about two years ago.

Reference is hereby made to consolidated Mississippi Choctaw case, M. C. R. 1058, Thomas McNeely, et al. On July 12, 1902, the Commission rendered its decision refusing the application of the several persons included in said consolidated case and on the same date the Commission notified the several applicants therein of said decision and of the submitting of the record in said case to the Secretary of the Interior for review.

- Q Did these minor children for whom you are now making application ever make application or anyone for them to the Choctaw tribal authorities to be enrolled as members of that tribe in the Indian Territory? A No sir.
- Q Did you for them or anyone else for them in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship for them in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir, this is the first time.

Sarah E. Suggs-----3

- Q Have they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for these minor children to either the Choctaw tribal authorities or the United States authorities for their admission or enrollment as citizens of the Choctaw Nation? A No sir, I never have before today.
- Q Do you come before the Commission today to identify them as Mississippi Choctaws? A Yes sir.
- Q Do you claim that right under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. This treaty was made for the purpose of removing as far as possible all of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. Article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q How old is Susie Carr McNeely? A She will be twenty her birthday the third of January.
- Q She is nineteen years old now and will be twenty her next birthday? A Yes sir,-- she is eighteen now and will be nineteen her birthday.
- Q How old is Caddie E. McNeely? A Susie is nineteen years old.
- Q You gave her age different a little while ago? A I got them mixed up.
- Q Which is it, nineteen or eighteen? A The first one I gave you must be right? Q Eighteen now? A Yes sir.
- Q How old is Caddie? A She was seventeen this August.
- Q Did any of the Choctaw ancestors of these two children comply or attempt to comply with article fourteen of the treaty of

- 1830, do you know? A No sir, I don't know.
- Q What is the name of the ancestor of these children through whom they claim the right to be identified as Mississippi Choctaws? A Watson I think, Nellie Watson, her name was Nellie McNeely her maiden name was Nellie Watson.
- Q She married whom, give the full name of her husband? A I never did see her husband, I have seed her lots of times.
- Q Did they have a son named James McNeely? A Yes sir, that is these children's grandfather.
- Q Nellie Watson was the great grandfather of these children? A Yes sir.
- Q How much Choctaw blood did she have? A I don't know how much they claimed.
- Q Was Nellie Watson's husband, McNeely, a white man? A Yes sir, his name was Jim McNeely, her oldest son was named after him.
- Q Did he live in Mississippi or Alabama? A He lived in Texas when I knew him.
- Q Did he ever live in the state of Mississippi? A I don't know whether he did or not.
- Q Is he the Choctaw ancestor through whom you are making this claim for the identification of these children? A Yes sir, Nellie Watson, his mother, is.
- Q Whose mother? A Jim McNeely.
- Q Did she live in Mississippi? A I don't know sir, she lived in Texas, Anderson county, when I got acquainted with her.
- Q Can you give the name of any Choctaw ancestor of these children who did live in either the state of Mississippi or Alabama in what was known as the old Choctaw Nation in 1830? A No sir I can't, I don't know any further than Nellie Watson.
- Q Were you personally acquainted with Nellie Watson, the grandmother, or the great grandmother of these children? A Yes sir I was, I use to live with her.

In order that you may be apprised of the importance of this application that you are making for these children the Commission will state to you that it is necessary for you to show, as you are the mother and are making application for them, that they had a Mississippi Choctaw ancestor who lived either in Mississippi or Alabama in the old Choctaw Nation, and further that they lived there and had children living with them in 1830 or were the heads of families there at that time, and further that these ancestors or ancestor complied with the provisions of article fourteen of the treaty of 1830.

- Q Now do you know anything of any such ancestor of these minor children? A No sir, I don't.
- Q How much Choctaw blood did Nellie Watson, their great grandmother, have? A I don't know.
- Q How do you know that she had any Choctaw blood? A I have been taught that.
- Q You never knew that she lived in Mississippi or Alabama? A No sir, I don't know where she come from to Texas.
- Q How old would she be if living now? A I don't know, she was old and gray headed when I was young.
- Q Have you any idea how old she would be if living now? A No sir, I don't know.
- Q Do you think she was living in the year 1830? A I don't know, because I was young and she was old when I first knew her.

Sarah E Suggs-----5

- Q You do not know whether she lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir, I don't.
- Q And you can not give the name of any other Choctaw ancestor of these children who did live there in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
- Q Do y u know where Nellie Watson who married McNeely was born? A No sir.
- Q Do you know when she was born? A No sir.
- Q Do you know when and where she died? A She died in Anderson County close to Palestine, Texas.
- Q In what year? A I don't remember.
- Q Before or after the war? A After the war.
- Q You were small at that time? A Yes sir.
- Q And you are now 58 years old? A I was not so very small, I was grown, I was young.
- Q Were you married then? A Yes sir.
- Q Was she a middle aged or old woman when she died? A She was old.
- Q Over 70 or over 60, about how old? A She was old, I can't tell you how old she was.
- Q Did any of the Choctaw ancestors of these children own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830? A Not that I know of.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.
- Q Did any of the Choctaw ancestors of these children go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A Not that I know of.
- Q Did you ever hear that any of the Choctaw ancestors of these minor children received any land or claimed any land in the old Choctaw Nation either in Mississippi or Alabama under the 14th article of the treaty of 1830? A No sir.
- Q Was Nellie Watson a recognized member of the Choctaw tribe of Indians in Mississippi? A I don't know sir whether she was or not.
- Q You yourself have seen Nellie Watson have you? A Yes sir.
- Q That was her maiden name was it? A Yes sir, that is what they claimed.
- Q You saw her in Texas? A Yes sir, she lived in Anderson County.
- Q What kind of a looking woman was she? A A tall, slender woman, high cheek bones.
- Q What was the color of her hair? A Just as gray as it could be when I got acquainted with her.
- Q Was it long and straight or curly? A She just did it up right on the top of her head; she kept a cloth on her head, kept it shaved off a heap of the time.
- Q Was it straight or curly? A Straight.
- Q What was the complexion of her skin? A She was kinder a dark looking color.
- Q What kind of eyes did she have? A Well, I don't remember what kind of eyes she had.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. His neglect to make a proper registration of these applicants who came before him within the six months time after the ratification of the treaty and pursuant to the provisions of that article fourteen of the treaty caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year. This commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of the Choctaw ancestors of these two minor children go before either of these two commissions and claim any benefits as Choctaw Indians under that article of that treaty?
A No sir.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land taken from him in the old Choctaw Nation by the government and sold he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him, these certificates were called scrip.

- Q Did any of the Choctaw ancestors of these children ever receive any scrip from the government which entitled them to select land in any of those states under this act of Congress? A I don't know whether they did or not. If they did I never heard of it.
Q Is there anything further that you want to say now or any evidence that you want to introduce in support of this claim?
A No sir.
Q Do these children understand or speak the Choctaw language?
A No sir, talk English just like I do.
Q Give me a description of the personal appearance of your daughter Susie Carr McNeely? A Her hair is dark, dark skin, blue eyes. My youngest daughter is light headed, fair skin, blue eyes.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

Sarah E Suggs-----7

Recorded in full the above proceedings on the 25th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

J. H. Mother

Subscribed and sworn to before me this 6 day of September, 1902.

B. Jones
Notary Public.

off
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Susie Carr McNeely, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Susie Carr McNeely, et al.,	M. C. R. 6189
Martin C. McNeely, et al.,	M. C. R. 6190
Margaret E. McNeely,	M. C. R. 6191
Jerome McNeely, et al.,	M. C. R. 6192

-----o-----

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by Sarah E. Suggs for her two minor children, Susie Carr
and Gaddie E. McNeely; by Martin C. McNeely for himself and his
five minor children, Cynthia L., Margaret G., Joseph A., Gattie I.
and Annie L. McNeely; by Margaret E. McNeely for herself; and by
Millie P. McNeely for her four minor children, Jerome, Thomas A.,
Margaret C. and Bettie S. McNeely, under the following provision
of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses and perform all other acts necessary thereto
and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Nellie McNeely (nee Watson) who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1895, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nellie McNeely (nee Watson) or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such

claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Carr McNeely, Cable E. McNeely, Martin G. McNeely, Cynthia L. McNeely, Margaret G. McNeely, Joseph A. McNeely, Cattie I. McNeely, Annie L. McNeely, Margaret E. McNeely, Jerome McNeely, Thomas A. McNeely, Margaret C. McNeely and Bettie S. McNeely, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

John Bishop

Acting Chairman.

W. H. ...
Commissioner.

C. F. ...
Commissioner.

Muskogee, Indian Territory,

JAN 6 1903

Muskogee, Indian Territory, January 6, 1903.

Sarah E. Suggs, --2

Pike, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susie Carr McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Susie Carr McNeely, et al.	M.C.R. 6189
Martin C. McNeely, et al.	M.C.R. 6190
Margaret E. McNeely	M.C.R. 6191
Jerome McNeely, et al.	M.C.R. 6192

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourten of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Carr McNeely, Caddie E. McNeely, Martin C. McNeely,

Sarah E. Sugge, —2

Cynthia L. McNeely, Margaret C. McNeely, Joseph A. McNeely, Cattie I. McNeely, Annie L. McNeely, Margaret E. McNeely, Jerome McNeely, Thomas A. McNeely, Margaret C. McNeely and Bettie S. McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James H. Smith

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 6, 1903.

Transfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susie Carr McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Susie Carr McNeely, et al.	M.C.R. 6189
Martin C. McNeely, et al.	M.C.R. 6190
Margaret E. McNeely	M.C.R. 6191
Jerome McNeely, et al.	M.C.R. 6192

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Carr McNeely, Caddie E. McNeely, Martin C. McNeely, Cyntia L. McNeely, Margaret G. McNeely, Joseph A. McNeely, Cattie I. McNeely, Annie L. McNeely, Margaret E. McNeely, Jerome McNeely, Thomas A. McNeely, Margaret G. McNeely and Bettie S. McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

N. M. & C.,--2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James L. Dwyer
Acting Chairman.

Muskogee, Indian Territory, January 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Susie Carr McNeely, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 6, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Susie Carr McNeely, et al.,	M.C.R. 6189
Martin C. McNeely, et al.,	M.C.R. 6190
Margaret E. McNeely,	M.C.R. 6191
Jerome McNeely, et al.,	M.C.R. 6192.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Thomas McNeely, et al., decision in which was rendered by the Commission on July 12, 1902, and approved by the Secretary on October 3, 1902.

Respectfully,

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 6189.

Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON,

Land
6021-1903.

February 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Sarah E. Suggs for her two children, Susie Carr and Caddie E. McNeely; Martin C. McNeely, for himself and his five children, Cynthia L. Margaret G., Joseph, A., Cattie I. and Annie L. McNeely; Margaret E. McNeely, and by Millie P. McNeely for her four children, Jerome, Thomas A., Margaret C. and Bettie S. McNeely, wherein a decision adverse to the applicants was rendered by the Commission on January 6, 1903.

An examination of the evidence in this case shows that the applicants claim identification by reason of their descent from one Nellie McNeely (nee Watson), who, it is claimed, was a citizen of the Choctaw Nation and lived in Mississippi or Alabama in 1830.

The decision of the Commission rejecting these applicants is based on the ground that the name of Nellie McNeely (nee Watson), or that of any ancestor less remote, does not appear in its records containing the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for the name of Nellie McNeely (nee Watson), and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(signed) A. C. TONNER.

Acting Commissioner.

E. B. E. H'r.

3 enclosures.

DEPARTMENT OF THE INTERIOR.

EAF.

WASHINGTON.

D. C. 8440.

ITD. 2258-1903.

March 24, 1903.

IRS.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 22, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Susie Carr McNeely and Caddie E. McNeely; of Martin C. McNeely and his minor children, Cynthia L., Margaret G., Joseph A., Cattie I. and Annie L. McNeely; of Margaret E. McNeely; and of Jerome, Thomas A., Margaret C. and Bettie S. McNeely. You denied the applications January 6, 1903.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Nellie McNeely (nee Watson), who is alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Nellie McNeely, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

-2-

The Acting Commissioner of Indian Affairs reporting February 26, 1903, recommends that your decision be approved. A copy of his letter is inclosed.

Having carefully considered the whole record, the Department affirms the decision rendered.

Respectfully,

(signed) THOS RYAN.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susie Carr McGoely, et al., of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

Jams Bixby.
Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

100-103.
REFER IN REPLY TO THE FOLLOWING

M.C.R. 6189

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

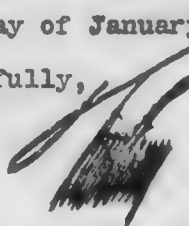
Muskogee, Indian Territory, March 31, 1903.

Sarah E. Suggs,
Pike, Indian Territory.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susie Carr McNeely, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,



Chairman.

Muskogee, Indian Territory, August 11, 1905.

Geo. F. Robertson,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting to be advised the present status of the Mississippi Choctaw case of Susie Carr McNeely, et al.

In reply you are informed that on March 24, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered January 6, 1903, refusing to identify the following persons as Mississippi Choctaws in the consolidated case of Susie Carr McNeely, et al.:

Susie Carr McNeely,	Caddie E. McNeely,
Martin C. McNeely,	Cynthia L. McNeely,
Margaret G. McNeely,	Joseph A. McNeely,
Cattie I. McNeely,	Annie L. McNeely,
Margaret E. McNeely,	Jerome McNeely,
Thomas A. McNeely,	Margaret C. McNeely,
Bettie S. McNeely.	

This case is considered closed and it is not believed that any of the above named applicants are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

Consolidated Case
of

~~Martin C. Mc~~

Lucie Carr M^{rs} Neely et al

6111

AGE SEX

POST OFFICE

RESIDENCE
COUNTY

Supplemental

7.
10 58

Nellie Watson
mar
— McNeely
- w.

James McNeely

Bob McNeely $\frac{1}{8}$
dead

wife
Sarah E. Suggs
(2" husband J. P. Suggs)

more
6139
Susie Carr McNeely 18 $\frac{1}{16}$
Caddie E. McNeely 17 $\frac{1}{16}$

Isaac P. McNeely
- dead -

wife
Sarah Ann McNeely
- dead -

more
6180
Martin C. McNeely 42 $\frac{1}{4}$
wife

Sarah E. McNeely
w

more
6191
Margaret E. McNeely 40 $\frac{1}{4}$

more
6190
Cynthia L. McNeely 10

"Margaret B. McNeely 8

"Joseph A. McNeely 7

"Cattie J. McNeely 2

"Annie L. McNeely 2 m

'Nellie Watson

mar
McNeely
w

2

2

Levi Anderson McNeely $\frac{1}{2}$
(dead)

mar
Mellie P. Roberts
-w-

mar.

Jerome McNeely 17 $\frac{1}{8}$

Thomas A. McNeely 14

Margaret C. McNeely 12

Bettie S. McNeely 10

'Mellie P. McNeely - applying for her children,
claims that the children get their Choctaw
blood thro' Nellie Watson but does not
trace ancestry any farther than the
father of the children Levi A. McNeely

For Identification as a Mississippi Choctaw.

Date

Name Sarah E. Suggs, ^{white}

Age 58 Blood white

Post Office, Pike, I.T. -
~~Johns~~ of Chedron, Bob McNeely's

Father: R. C. Montgomery, I.T.

Mother: Sarah E. Suggs I.T.

Claims through Father E. Suggs)
1st husband (1892) 118

2nd husband
Bob McNeely (d) 118
J. F. Suggs, I.T. w
no claim to 2nd husband.

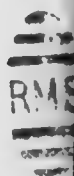
Children:

Susie Carr McNeely, 11/16 18
Paddie C. " 11/16 17

Claims for ~~self~~
2 minors.

Stenographer W. H. Martin -

6189



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 9 1903

A handwritten signature in dark ink, appearing to be "J. H. Smith".

CHAIRMAN



W. O. S.
T. W. S.
1893



Sarah E. Suggs,

~~Postage~~

1893

79

Department of the Interior.

Commissioner of the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Choctaw MCR 6190

• Martin C. McNeely

See MCR 6189

MCR 6190

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 25, 1902.

#6190.

In the matter of the application of Martin C. McNeely for the identification of himself and his five minor children, Cynthia L., Margaret C., Joseph A., Cattie I., and Annie L. McNeely, as Mississippi Choctaws.

No Attorney.

Martin C. McNeely being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Martin C. McNeely.
Q What is your age? A Forty-two.
Q What is your post office address? A Pike, Chickasaw Nation, Indian Territory.
Q How long have you lived at Pike? A Five years going on six.
Q Where did you live before that? A In Texas.
Q Where in Texas? A Denton county.
Q How long did you live in Texas? A All my life until I moved to the Nation.
Q Were you born there? A Yes sir.
Q Where were you born in Texas? A Push County, I believe.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Isaac Clark McNeely.
Q What was your mother's name? A Sarah Ann McNeely, she was a Watson when she married.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A From what I have been taught I must be about one-fourth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of, he died when I was very small.
Q Have you the proof with you of his marriage to your mother, Sarah Ann McNeely? A No sir.
Q Do you know when and where they were married? A Not for certain but I think in Mississippi.
Q Do you know where in Mississippi? A No sir, I don't.
Q By a minister under a license? A Yes sir.
Q You do not know the minister's name? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sarah E. McNeely.

Martin G McNeely-----2

- Q Is she living? A Yes sir.
- Q Is she a Choctaw Indian or a white woman? A A white woman.
- Q Do you make any claim for her as a Choctaw Indian? A No sir.
- Q Give me the names of your children under age and unmarried that you want to make application for? A Cynthia L. McNeely.
- Q How old is she? A She is ten years old.
- Q Now the next? A Margaret G. McNeely.
- Q How old? A She is eight.
- Q Give me the name of the next? A Joseph A. McNeely.
- Q How old is Joseph? A He is seven.
- Q The next? A Gattie I. McNeely.
- Q How old is Gattie I.? A She is two.
- Q The next? A Annie L. McNeely.
- Q How old is she? A She is seven or eight months old.
- Q You claim for yourself and these minor children? A Yes sir.
- Q Is Sarah E. McNeely the mother of these children? A Yes sir.
- Q Are you living with your wife, Sarah E. McNeely, and are these children living with you at your home? A Yes sir.
- Q When and where were you married to your wife, Sarah E. McNeely? A Wise County, Texas.
- Q At what time or date? A About eleven years ago in January.
- Q Have you the proof of your marriage with you? A No sir.
- Q Were you married by a minister under a license? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes sir.
- Q Then you do not care to make this application today do you? A Yes sir, my name ain't, I thought you said any of the relation, no sir, me nor my children are not.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and your minor children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission to identify yourself and minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A I have understood it was in 1830.
- Q Do you understand the article? A That's the way I have been brought up, I don't know a great deal about it at all.
- Q Do you want to have that article explained any further or do you understand it without further explanation? A I don't know as I really understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. This treaty was made at a place within the old Choctaw Nation in Mississippi. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that

a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty. An article in a treaty is one of the sections or sub-divisions of the treaty. This article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of the treaty of 1830? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nellie Watson.
- Q Was that her maiden name? A Yes sir.
- Q What relation was she to you? A She would be called my grandmother, my father's mother.
- Q What was her married name? A McNeely.
- Q What was her husband's full name? A I don't know sir.
- Q How much Choctaw blood did she have? A I don't know sir.
- Q How can you tell that you have one-quarter Choctaw blood if you don't know how much she had? A That is what my father taught me.
- Q How much Choctaw blood did your father have? A I disremember I was small when he died.
- Q Your father claimed his blood through his mother, Nellie Watson who married McNeely? A Yes sir.
- Q I can not understand that you do not know how much Choctaw blood your father had when you say you are one-fourth? A I told you that I was small when he told me and I never paid much attention to it.
- Q Did Nellie McNeely live in the state of Mississippi? A Yes sir thats what I have been taught.
- Q Do you know where in Mississippi she lived? A No sir.
- Q How old would she be if living now? A I couldn't tell you.
- Q Where did she die? A Anderson county Texas.
- Q Can you tell when? A No sir.
- Q About how old was she when she died? A I don't know.
- Q Did she live in Mississippi in 1830? A I couldn't tell you.
- Q You can not say whether she was born there or not? A No sir.

Martin C McNeely-----4

- Q You jus know you have heard she lived in Mississippi? A That's the way if I ain't misrepresenting my thoughts with my father, he was telling me when I was small, that she lived in Mississippi.
- Q Did he ever tell you that she lived there in 1830 and was the head of a family there then? A I don't remember.
- Q Did her husband have any Choctaw blood? A Not that I know of.
- Q Did you ever hear of any Choctaw ancestor who did live in that old Choctaw Nation either in Mississippi or Alabama in 1830 and had a family of children living there then? A No sir.

You understand that it is necessary in order to introduce the proper proof or evidence in this case before the Commission that you show that you had a Mississippi Choctaw ancestor who lived in that old Choctaw Nation either in Mississippi or Alabama in 1830 and living there at that time had a family of children there, in other word was the head of a family there then, and being the head of a family as such made application to Colonel Ward, the United States Indian Agent, for registration under article fourteen of the treaty of 1830, or in other words complied with article fourteen of the treaty of 1830, or attempted to comply with the provisions of article fourteen of that treaty.

- Q Can you give the name of any such ancestor through whom you claim your Choctaw blood? A No sir, if I get any more witnesses or affidavits of any I would like to have a little time of thirty days if I was granted that privilege and I am satisfied I can get it.
- Q Have you had any relatives who have already made application to be identified as Mississippi Choctaws? A Cousins only.
- Q Is Thomas McNeely a cousin of yours? A Yes sir.
- Q James McNeely? A Yes sir.
- Q How related to you? A Second cousin.
- Q William L. McNeely? A Second cousin.
- Q And others also I presume? A Tom and George are own cousins.
- Q Martha L. Sorrells is what relation? A Second cousin.
- Q And James McNeely,-- there are two James McNeely's are there not? A Yes sir, I know two.
- Q Do you remember George McNeely? A Yes sir.
- Q What relation? A Own cousin.
- Q Do you remember Laura Faris? A That is George's wife I reckon.
- Q What relation to you? A Cousin by marriage.
- Q Joseph E. McNeely, do you know him? A Yes sir.
- Q What relation to you? A Cousin.
- Q Ellen Black do you know her? A Second cousin.

Reference is hereby made to Consolidated Mississippi Choctaw case, P. C. R. 1058, Thomas McNeely, et al. On July 12, 1902, the Commission rendered its decision refusing the application of the several persons included in said consolidated case, and on the same date notified the several applicants therein of said decision of the Commission and of the submitting of the record to the Secretary of the Interior for review.

- Q Do you think you are able to introduce before the Commission any testimony different from the testimony introduced by these applicants who have already appeared claiming through the same common ancestor, whose cases have been acted upon by the Commission? A I will have to have time.

- Q If time were given to you can you get any testimony to show that you had a Mississippi Choctaw ancestor who lived in the old Choctaw Nation in 1830 and was the head of a family there then and complied with article fourteen of the treaty of 1830? A I think I could sir.
- Q What other information have you that would enable you to prove that fact in your mind now? A I would just have to hunt on back to the old set.
- Q Do you know of anything that you can refer to now, do you know of anything that these people did not know or which they have not produced? A No sir, I don't.
- Q You simply want time in order to try to get up something in the way of other testimony in this case? A Yes sir, if I need it.

This applicant asks for thirty days time in which to offer additional testimony in support of this claim. He has no attorney and does not seem to be fully apprised of his rights or the necessity of proving a compliance with article fourteen of the treaty of 1830. This case at the present time stand unproven so far as a compliance with article fourteen of the treaty of 1830 is concerned. The law in the case and the situation of his claim at the present time has been fully explained to him, and upon his statement that he thinks he can produce testimony which will show a compliance on the part of his Mississippi Choctaw ancestors with article fourteen of the treaty of 1830 thirty days time is extended from the date hereof.

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know sir.
- Q You do not know how old Nellie Watson who married McNeely would be if living now? A No sir, I don't remember ever seeing her.

The Indians who remained back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to stay in Mississippi and take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His failure to make a proper registration of all Choctaw Indians who appeared before him under article fourteen of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints

among the Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either one of these commissions and claim any benefits as Choctaw Indians under that article of that treaty? A I don't know sir.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also further appeared that he had had land taken from him in the old Choctaw Nation by the government and sold that he might be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not as I know of sir.
Q Have you any other evidence that you want to introduce now? A No sir.
Q Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, he has brown hair, blue eyes, medium fair complexion, somewhat tanned by exposure to the sun; does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of August, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1903.

Bl Jones
Notary Public.

Miss. Choctaw 6190
Miss. Choctaw 6192

Muskogee, Indian Territory, September 25, 1902.

Mart McNeely,

Pike, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of letter of September 21, signed by you and Marget McNeely, inclosing the affidavit of Lottie Ellis, offered in support of your applications for identification as Mississippi Choctaws, and also inclosing marriage certificate between Levi A. McNeely and Millie P. Roberts, in support of the application made by Millie P. McNeely for the identification of her minor children, Jerome McNeely, et al., and the same have been filed with the records in the above named cases.

You ask if the statements contained in the affidavit of Lottie Ellis are sufficient, or if you should submit other proof, and in reply you are advised that the Commission cannot render any opinion as to the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

It appears from our records, however, that at the time you made application for the identification of yourself and your minor children as Mississippi Choctaws that the fourteenth article of the treaty of 1830 was read and explained to you and you stated that you made claim thereunder. The Commission, in determining the

rights of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, above referred to, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for that purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty".

It would be necessary, therefore, in order for you to obtain rights as Mississippi Choctaws under the provisions of the fourteenth article of the treaty 1830, to show that the least remote of your ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 6, 1903.

Martin C. McNeely,

Pike, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susie Carr McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Susie Carr McNeely, et al.	M.C.R. 6189
Martin C. McNeely, et al.	M.C.R. 6190
Margaret E. McNeely	M.C.R. 6191
Jerome McNeely, et al.	M.C.R. 6192

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Carr McNeely, Caddie E. McNeely, Martin C. McNeely,

Martin C. McNeely--2

Cynthia L. McNeely, Margaret G. McNeely, Joseph A. McNeely, Cattie I. McNeely, Annie L. McNeely, Margaret E. McNeely, Jerome McNeely, Thomas A. McNeely, Margaret C. McNeely and Dettie S. McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman,

Registered,

M.C.R. 6190

COPY:

Waskagee, Indian Territory, March 31, 1903.

Martin C. McNeely,

Pike, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susie Carr McNeely, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(S. J.)

Tamie D. D.
Chairman.

No.

6190

For Identification as a Mississippi Choctaw.

Date

Name Martin C. McNeely.

Age 42 - Blood '14.

Post Office, Pike, D.P.

Father; Isaac McNeely d.

Mother; ^{Sarah Ann} ~~Nancy~~ " d.Claims through father -
wife, ~~But~~ Sarah E. McNeely, l. w.

No claim for wife -

Children:

Cynthia L. McNeely. 10

Margaret G. " 8

Joseph A. " 7

Battie D. " 2

Annie L. " 7 m.

Claims for self &
minors.

Stenographer W. H. Martin

Choctaw MCR 6191

Margaret E. McNeely

See MCR 6189

MCR 6191

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 25th, 1902.

#6191.

In the matter of the application of Margaret E. McNeely for the identification of herself as a Mississippi Choctaw.

No attorney.

Margaret E. McNeely being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Margaret E. McNeely.
Q What is your age? A Somewhere along in forty, I can't tell you just exactly.
Q What is your post office address? A Pike, Indian Territory.
Q How long have you lived at Pike? A Five years.
Q Where were you born? A In Alabama.
Q Do you remember where in Alabama? A No sir I dont know whereabouts.
Q How old were you when you left Alabama? A I cant tell you.
Q Where did you go from Alabama? A To Texas is all I can tell you.
Q And lived there until you went to the Indian Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Isaac C. McNeely.
Q What was your mother's name? A Sarah Ann McNeely.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I dont know, about a fourth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know sir.
Q Have you the proof of the marriage of your father and mother here? A No sir.
Q Do you know when and where they were married? A No sir, I dont.
Q Do you know if they were married by a minister under a license? A No sir.
Q Are you married? A No sir, I ain't married.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 18, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made to the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir,-- I dont know sir, whether I do or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to induce all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to remove to the Choctaw Nation Indian Territory. This treaty was made between the United States government and the Choctaw Indians who lived in that old Choctaw Nation which was partly in the state of Mississippi and partly in Alabama. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in the old Nation article fourteen was put into the treaty. The treaty was then signed on the 27th day of September, 1830, and ratified on the 24th day of February, 1831. Article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months fro the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section or six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother, Nellie Watson they tell me.
- Q How much Choctaw blood did she have if any? A I dont know sir.
- Q Did she live in Mississippi in 1830? A I declare I dont know.

- Q Do you know whether she lived in that old Choctaw Nation east of the Mississippi river either in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir.
- Q How old would she be if living now? A I expect she would be right smart over a hundred years old.
- Q But you do not know just how old she would be? A No sir.
- Q You never heard that she lived in Mississippi? A No sir I never heard much about her.
- Q Can you give the name of any Choctaw ancestor of yours who did live in Mississippi at any time or in Alabama? A No sir, I dont know of any.
- Q Then how do you know that you are a Mississippi Choctaw; you can not be a Mississippi Choctaw unless you know or have heard some tin that you have a Choctaw ancestor who used to live in the old Choctaw Nation either in Mississippi or Alabama, did you ever hear that? A No sir.
- Q You never heard your father or mother say anything about it? A No sir, my father and mother both died when I was a child.
- Q Did any relative of yours ever tell you that Nellie Watson or any other Choctaw ancestor of yours lived in Mississippi or Alabama at any time? A Why I think one of my uncles said that my grandpa and grandma lived in Mississippi, I wont say for sure, but I think that one of them said they did.
- Q You refer to Nellie Watson who married McNeely? A Yes sir.
- Q All you know about it you think some uncle told you about them? A Yes sir.
- Q But you are not sure about that? A No sir.
- Q You yourself dont know much about it? A No sir.
- Q Did you ever hear that any Choctaw ancestor of yours lived in the old Choctaw Nation east of the Mississippi river either in Mississippi or Alabama, and went from there to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 went to the United States Indian Agent, Colonel Ward, at his office or agency in Mississippi, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.

The Choctaw Indians who stayed back in that old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His failure to make a proper registration of all Mississippi Choctaw claimants who went to his office within the six months time after the ratification of the treaty and attempted to register under that article of that treaty caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw In-

Margaret E McNeely-----4

dians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. This Commission was appointed under an act of Congress approved August 25rd, 1842.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians? A I dont know sir.

The act of Congress approved August 25rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if he further proved that he had once had land in Mississippi in the old Choctaw Nation which the government had taken from him and sold, that he might select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians under this act of Congress? A No sir, I never heard they did.

Q Have you any other evidence that you want to introduce now? A No sir.

Q Have you any other relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Thomas McNeely? A Thats my cousin,

Q William L. McNeely? A Thats a second cousin.

Q James McNeely? A Second cousin.

Q George McNeely? A Own cousin.

Q Ellen Black? A Second cousin.

Q And others, have you? A Yes sir.

Q They all claim through Nellie Watson who married McNeely? A Yes sir.

Reference is hereby made to consolidated Mississippi Choctaw case, M. C. R. 1058, Thomas McNeely, et al. On July 12, 1902, the Commission rendered its decision refusing the application of the several persons included in said consolidated case, and on the same date notified the several applicants therein of said decision and of the submitting of the record to the Secretary of the Interior for review.

Q Do you speak or understand the Choctaw language? A No sir.

Q Your eyes are blue or gray which? A Kinder Gray.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has gray eyes, medium fair complexion, brown hair; she does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Margaret E McNeely-----5

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of September, 1902.

R. E. Jones
Notary Public.

M.C.R. 6191

Muskogee, Indian Territory, January 6, 1903.

Margaret E. McNeely,

Pike, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susie Carr McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Susie Carr McNeely, et al.	M.C.R. 6189
Martin C. McNeely, et al.	M.C.R. 6190
Margaret E. McNeely	M.C.R. 6191
Jerome McNeely, et al.	M.C.R. 6192

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Carr McNeely, Caddie E. McNeely, Martin C. McNeely,

Margaret E. McNeely,--2

Cynthia L. McNeely, Margaret C. McNeely, Joseph A. McNeely, Gattie I. McNeely, Annie L. McNeely, Margaret E. McNeely, Jerome McNeely, Thomas A. McNeely, Margaret C. McNeely and Bettie S. McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Smith
Acting Chairman.

Registered.

K.C.R. 6191

COPY:

Waskagoo, Indian Territory, March 31, 1903.

Margaret B. McNeely,

Pike, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susie Carr McNeely, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(S. D. 1903)

Tams Dixby.
Chairman.

No. 2301

For Identification as a Mississippi Choctaw.

Date

Name Margaret E. McNeely

Age 40 - Blood 1/4

Post Office, Pine. S. T.

Father: Isaac C. McNeely, d.

Mother: Sarah Ann " d.

Claims through father

Children:

Claims for self
alone

Stenographer W. H. Martin

Choctaw MCR 6192

Jerome McNeely

by

Millie P. McNeely

See MCR 6189

MCR 6192

#5192.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 25, 1908.

In the matter of the application of Millie P. McNeely, a white woman, for the identification of her four minor children, Jerome, Thomas A., Margaret C. and Bettie S. McNeely, as Mississippi Choctaws.

No attorney.

Millie P. McNeely being first duly sworn testifies with reference to this application which she makes for the identification of her four minor children as Mississippi Choctaws as follows:

Examination by the Commission.

- Q What is your name? A Millie P. McNeely.
Q What is your age, Mrs. McNeely? A Forty-one.
Q You are a white woman are you not? A Yes sir, as far as I know I am.
Q What is your post office address? A Pike, I. T.
Q Do you make application for your four minor children? A Yes sir.
Q What is the name of the oldest? A Jerome.
Q That's a boy is it? A Yes sir.
Q Jerome McNeely? A Yes sir.
Q How old is he? A Seventeen.
Q Not married? A No sir.
Q Now the next? A Thomas A. McNeely.
Q How old is he? A Fourteen.
Q The next? A Margaret C. McNeely.
Q How old is she? A She is twelve.
Q The next? A Bettie S. McNeely.
Q How old is Bettie? A Ten.
Q Is that all? A Yes sir, just the four.
Q You make this claim for your four minor children do you? A Yes sir.
Q What is the name of the father of these children? A Levi Anderson McNeely.
Q He is dead? A Yes sir.
Q How much Choctaw blood did he have? A He claimed one-fourth.
Q And your name is Millie P. McNeely? A Yes sir.
Q You are a white woman? A Yes sir.
Q These children claim through their father, your husband, Levi A. McNeely? A Yes sir.
Q How much Choctaw blood do you claim for these children? A I don't know sir.
Q You claim for their father one-fourth? A Yes sir.
Q Do you claim for them one half of their father's Choctaw blood? A Yes sir.

Millie P McNeely-----2

- Q That would be one-eighth, to you want to claim one-eighth for them? A Yes sir, just the best way.
- Q Do you claim the father was one-fourth? A That is what he always claimed to be.
- Q And the children have one-eighth then? A I guess so.
- Q Do you know whether the father of these children was ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir I dont.
- Q When were you married to your husband, Levi A. McNeely? A Twenty-two years ago.
- Q Do you remember the day of the month and the year? A The 10th of July, I dont remember what year.
- Q Where were you married? A In Ellis County, Texas.
- Q By a minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you? A No sir not with me.
- Q Do you think you can send it within a few days to the Commission? A Yes sir.

A few days time will be allowed this applicant for the purpose of introducing proper proof of the marriage of these children and herself.

- Q Do you know whether these children ever made application or has anyone for them ever made application to the Choctaw tribal authorities to be enrolled as members of the Choctaw tribe in the Indian Territory? A No sir.
- Q Did you or anyone else on behalf of these children in the year 1896 make application to the Commission to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Has any application of any kind ever been made prior to this application for their enrollment as citizens of the Choctaw Nation to any authority whatever? A No sir.
- Q Do you come before the Commission at this time to identify them as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of Dancing Rabbit Creek or the treaty of 1830? A I dont know what you mean.
- Q Do you understand that article fourteen of that treaty? A No sir.

A treaty is a compact or contract in writing made between two or more nations, and differs from a contract in writing made between individuals or corporations because being made between nations it is called a treaty; an article is a subdivision or a section in a treaty. Such a treaty as this was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year, 1830. That treaty was made for the purpose of getting the consent of the Choctaw Indians to leave the old Choctaw Nation east of the Mississippi and remove to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many of these Choctaw Indians would not go to the Choctaw Nation, Indian Territory with the other Indians under the treaty, and

in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty; the treaty was then signed and afterwards became ratified on the 24th day of February, 1831. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q That is article fourteen of the treaty of 1830 under which you are making this application for these children; do you understand it well enough to claim under it for them? A Yes sir.
- Q Do you know if any of the Choctaw ancestors of these children complied or attempted to comply with that article fourteen of the treaty of 1830? A No sir, I dont know.
- Q What is the name of their ancestor through whom you claim for them the right to be identified as Mississippi Choctaws? A They always claimed Nellie Watson.
- Q What relation was Nellie Watson to these children? A A great grandmother I guess.
- Q How much Choctaw blood did she have? A I dont know.
- Q Whom did she marry? A McNeely.
- Q What was his full name? A I dont know sir.
- Q Was this McNeely a white man? A I dont know anything about them way back there at all.
- Q Did any of the Choctaw ancestors of these minor children ever live in Mississippi or Alabama in the old Choctaw Nation? A I dont know sir.
- Q Never heard? A No sir.
- Q Did you ever hear that Nellie Watson who married McNeely did? A No sir, I never heard.
- Q Never heard that she lived in Mississippi or Alabama? A No sir.
- Q When and where was she born? A I dont know sir.
- Q When and where did she die? A They tell me she died in Anderson county.
- Q Did you ever see her? A No sir.
- Q Do you know whether she or any Choctaw ancestor of these children lived in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir I cant tell you, not knowing.
- Q You do not know anything about it? A No sir, I told you a little bit ago that I didn't know anything about them at all.

- Q You dont know whether they had an ancestor who lived in Mississippi or Alabama in 1830? A No sir.
- Q You never heard anybody say that they ever had an ancestor who lived in Mississippi or Alabama in 1830? A No sir.
- Q So you really dont know whether they are Mississippi Choctaws or not? A No sir, all I know he claimed they was.
- Q You heard he had Choctaw blood? A Yes sir.
- Q Did you ever hear the father of these children say that he claimed his ancestor lived in Mississippi? A It seems like he was born in Tennessee or somewhere up there.
- Q Did he ever live in Mississippi? A No sir, I told you I never heard of any of them back there at all.
- Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not as I know of.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I cant tell you, not knowing anything about them.
- Q Then you dont know whether any of them owned any land or claimed any land in Mississippi or Alabama under article fourteen of that treaty? A No sir I dont.

It is only fair to state to you, Mrs. McNeely, that you must establish this fact in order to support this claim that you make for these minor children, first: that they had an ancestor who had Choctaw blood, and secondly: that that Choctaw ancestor lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and 1831, and more than that, that that person was the head of a family there then and complied or attempted to comply with article fourteen of the treaty of 1830. So far you have not established any of these points.

- Q Are these children related to any persons who have been before the Commission to be identified as Mississippi Choctaws? A Just these that are with me, and them other McNeely's.
- Q What relation is James McNeely, who has appeared before the Commission, is he a relation of these children? A Yes sir.
- Q What relation is James McNeely to them? A Second cousin.
- Q William L. McNeely? A They are second cousins, no they are own cousins to my children.
- Q Thomas McNeely and others have made application previous to this date to be identified as Mississippi Choctaws? A Yes sir.

Reference is hereby made to Consolidated Mississippi Choctaw case, M. C. R. 1058, Thomas McNeely, et al. On July 12, 1902, the Commission rendered its decision refusing the application of the several persons included in said consolidated case, and on the same date notified the several applicants therein of said decision and of the submitting of the record to the Secretary of the Interior for review.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him

Millie P. McNeely-----5

that they wanted to stay in Mississippi in the old Choctaw Nation or in Alabama, take land there and become citizens of the states. A great many Choctaw Indians did this whose names colonel Ward neglected to put upon his list, known as Ward's Register. His neglect to make a proper registration of the names of all the Choctaw Indians who attempted to comply with article fourteen of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year a commission was appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; in 1842 another Commission was appointed by Congress under an act approved August 23rd of that year for the same purpose; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of the Choctaw ancestors of these children go before either of these two commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830?
A Not as I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did any of the Choctaw ancestors of these children receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas?
A Not that I know of.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was given to those Indians who proved their rights under article fourteen and also proved that the government had taken their land from them in the old Choctaw Nation.

- Q Do these children speak or understand the Choctaw language?
A No sir.
- Q Have you any evidence that you want to introduce now? A No sir.
- Q Is Jerome McNeely dark or light? A Light, blue eyes.
- Q Light hair? A Yes sir.
- Q Is Thomas A. dark or light? A Light complexion, light hair, blue eyes, he is red headed.
- Q How is Margaret C.? A Coal black head, dark complexion, black eyes.
- Q How is Bettie? A The same way, dark head, black eyes, dark complexion; the boys take after me and the girls after their father.

V. H. Martin, being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of August, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of September, 1902.

V. H. Martin
B. E. Jones
Notary Public.

Miss. Choctaw 6190
Miss. Choctaw 6192

Muskogee, Indian Territory, September 26, 1902.

Mart McNeely,

Pike, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of letter of September 21, signed by you and Margaret McNeely, inclosing the affidavit of Lottie Ellis, offered in support of your applications for identification as Mississippi Choctaws, and also inclosing marriage certificate between Levi A. McNeely and Millie P. Roberts, in support of the application made by Millie P. McNeely for the identification of her minor children, Jerome McNeely, et al., and the same have been filed with the records in the above named cases.

You ask if the statements contained in the affidavit of Lottie Ellis are sufficient, or if you should submit other proof, and in reply you are advised that the Commission cannot render any opinion as to the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

It appears from our records, however, that at the time you made application for the identification of yourself and your minor children as Mississippi Choctaws that the fourteenth article of the treaty of 1830 was read and explained to you and you stated that

rights of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, above referred to, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for that purpose by the acts of Congress of March 3, 1837 and August 13, 1842.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

"Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty".

It would be necessary, therefore, in order for you to obtain rights as Mississippi Choctaws under the provisions of the fourteenth article of the treaty 1830, to show that the least remote of your ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

Respectfully,

Acting Chairman.

Wuskogee, Indian Territory, January 6, 1903.

Millie P. McNeely,

Pike, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susie Carr McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Susie Carr McNeely, et al.	H.C.R. 6189
Martin C. McNeely, et al.	H.C.R. 6190
Margaret E. McNeely	H.C.R. 6191
Jerome McNeely, et al.	H.C.R. 6192

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Carr McNeely, Caddie E. McNeely, Martin C. McNeely,

Millie P. McNeely,--2

Cynthia L. McNeely, Margaret G. McNeely, Joseph A. McNeely, Cattie I. McNeely, Annie L. McNeely, Margaret E. McNeely, Jerome McNeely, Thomas A. McNeely, Margaret C. McNeely, and Lettie S. McNeely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6192

COPY:

Muskogee, Indian Territory, March 31, 1903.

Millie P. McNeely,

Flint, Indian Territory.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susie Carr McNeely, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

James D. Duff
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Millie P. Mc Neely (w)*
for 4 minors.

Age 41 -

Blood *white*

Post Office, *Pine, D. P.*
of *children*

Father: *Levi A. Mc Neely, (d) $\frac{1}{4}$*
of *children*

Mother: *Millie P. " l. w.*
children

Claims through *father, Levi A.*
Mc Neely -

Children:

Jerome Mc Neely, $\frac{1}{8}$ 17
Thomas A. " " 14
Margaret C. " " 12
Bettie S. " " 10

white woman, claims
for 4 minor children.

Stenographer *W. H. Martin,*

Choctaw MCR 6193

James E. Jones

See MCR 5735

MCR 6193

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 25, 1902.

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In the matter of the application of James Edward Jones
for identification as a Mississippi Choctaw.

James Edward Jones being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A Jones Edward Jones.
Q What is your age? A Twenty three years old.
Q What is your post office address? A Mayhaw Indian Territory
Q How long have you lived at Mayhaw. A Well I lived there
about twelve years.
Q Where were you born? A I was born in Clark County Arkansas
Q From Arkansas you went where? A Indian Territory.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John Jones.
Q John M.A Yes sir.
Q What is your mother's name? A Belle; Arbelle I believe is
her name, in full.
Q Isn't her name Nancy B. Jones? A A Maybe so.
Q Your father gave her name as Nancy B. Jones? A Yes sir,
maybe so; I don't know.
Q Is that right, Nancy B? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I suppose and have
always been taught about one eighth or one sixteenth.
Q Has your father ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian
Territory? A No sir.
Q Did he make application to be identified as a Mississippi
Choctaw before the Commission August 14, 1902? A Yes sir.
Q Do you know when and where your father and mother were married
A They were married in Clark County Arkansas; I don't remember
the date though.
Q The marriage license and certificate of the marriage of your
father and mother were offered by him in his application
which was made on the 14th day of August; do you want to
have this record and the application made by him referred to
in your case? A Yes sir.
Q Are you married? A Yes sir.
Q What's your wife's name? A Lucy Leannabeth, I believe is her
name.
Q She is now and a white woman is she? A Yes sir.
Q Do you make any claim for her as a Choctaw? A No sir.
Q Have you any children or do you claim for yourself alone?
A Claim for myself alone.
Q Have no children; is your name on any of the tribal rolls of
the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court for the Indian Territory? A No sir.

Q Is this the first application that you have ever made of any description to any authority whatever for citizenship in the Choctaw Nation? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir; I suppose so.

Q Do you understand that article of that treaty? A I heard you explain it this morning; I think I understand it tolerable well.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child who is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the land of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that do you? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Bex it's given in English Bex and in Choctaw Bec.

Q B-o-x? A Yes sir.

Q And B-o- what in Choctaw? A B-e-o- I think in Choctaw.

Q Do you know what the first name is? A Of my great grandmother No sir I don't.

Q Did you ever hear her first name - her Christian name? A No sir I did not.

Q What relation was she to you? A Great grandmother.

Q How much Choctaw blood did she have? A I suppose she must have been a quarter or probably a half from all accounts. I can't say; I don't know for certain.

Q You don't know positively? A No sir; I don't know positively how much she was.

- Q How old would this great grandmother be if living now.
A Why she would be over a hundred years old.
Q Was she a married woman at the time she had this name Box
A Yes sir.
Q What was her maiden name - do you know? A Yes sir, I do not--
Q What was the name of her husband - do you know? A No sir I
don't know his name.
Q Did she live in Mississippi or Alabama in 1830 or at
any other time.
A Yes she lived in Mississippi and I suppose she lived there
at that time.
Q 1830? A Yes sir.
Q Did she have a family of children living with her then?
A Yes sir.
Q Do you know the names of any of them? A No sir I do not.
Q Do you know how many there were? A No sir; I suppose they
was all married at the time they lived there.
Q Do you know whether she complied with article fourteen
of the treaty of 1830? A No sir I do not know.
Q Is it a matter of family history and tradition that your
great grandmother Box lived in the old Choctaw Nation in
Mississippi in 1830? A I think she did; I can't say positively.
Q And was the head of a family there then? A Yes sir.
Q Did any of your Choctaw ancestors own any improvements on
land in the old Choctaw Nation east of the Mississippi in
1830? A I can't say.
Q Did any of your Choctaw ancestors within six months after the
ratification of the treaty of 1830 go to the United States
Indian agent Colonel Ward and tell him they wanted to stay
in Mississippi take land there and become citizens of the
states; did you ever hear about that. A I never did hear
them say; I can't say; I don't know anything about that
Q Did any of your Choctaw ancestors go from that old Choctaw
Nation east of the Mississippi river to the Choctaw Nation
Indian Territory with the other Indians between 1833 and 1838
and forty? A No sir; I can't say; my grandfather was up in
the Indian Territory and the Indians some of them went back
home with him when he lived down in Arkansas; that's all
I know.
Q You don't know when he went from Mississippi to the Indian
Territory? A No sir I don't know.
Q Do you know whether he ever did go directly from Mississippi
to the Indian Territory? A No sir I can't say.
Q Did any of your Choctaw ancestors own any land or
claim any land in the old Choctaw Nation either in Mississippi
or Alabama under article fourteen of the treaty of 1830?
A I can't tell you whether they did or not.
Q You never heard that your great grandmother's name was Becky
Box? A I believe that was her name.
Q Did you ever hear it? A No sir.
Q Do you know whether it is or not? A I haven't heard it; I
don't know.
Q You don't know what year and where she was born? A No sir.
Q Her when and where she died? A She died in Arkansas but I
don't know what part.
Q Have you any means of knowing whether your great grandmother
Box lived in the old Choctaw Nation in Mississippi in 1830 and
had a family of children living with her then? A Why she
lived there but I don't know whether her children was with
her or married off at that time.
Q Had she had children previous to 1830? A Yes sir.
Q What makes you think that? A Well I've heard them speak of
her; I've heard my father speak of his father; I suppose my
father was born after he came to Arkansas; I heard him

- Q speak of his father speaking about them.
- A did you ever hear that your grandmother lived in Mississippi?
- Q Yes sir.
- A did your father live in Mississippi.
- A No sir.
- Q You claim through your father don't you? A Yes sir.
- Q And he through his mother? A His grandmother.
- Q First his mother or father? A I don't know whether his grandmother or father.
- A I don't know whether his grandmother or father.
- Q I'm not talking about his grandmother; I'm asking about if he claimed through his father or mother.
- A I don't know which one he claimed it through.
- Q That is a link in your genealogy that you want to be certain about isn't it? A I ought to be but I don't know whether Box was his mother's mother or his father's mother.
- Q You are unable to state whether your great grandmother was on your grandfather or grandmother's side are you? A I don't know which she was on.

The Choctaw Indians who lived in the old Choctaw Nation---

- A I suppose thought it was claimed through my grandfather's side; I suppose.
- Q Do you know? A No sir I don't know.

The Choctaw Indians who stated there in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified if they wanted to take advantage of article fourteen of the treaty were required to go to the United States Indian agent Colonel William Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the States; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as wards register and the result of his neglect and failure in this regard was that a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3 of that year Congress appointed a commission; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q did you ever hear that any of your Choctaw ancestors went before either of these commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A No sir

the act of Congress approved August 23 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and if it also appeared that he had had land in that old Choctaw Nation which the government had taken from him and sold that he might select land either in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him; these certificates were called scrips; did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians?

A No sir not as I know of.

J E Jones 5

- Q Your father has appeared before the Commission has he??
A Yes sir
Q To be identified as a Mississippi Choctaw? A Yes sir.
Q John M. Jones? A Yes sir.
Q Have other relatives of yours also appeared? A Yes sir.
Q Name them? A Drapers.
Q Give their full names? A Louis Draper. A: far as I know his name.
Q What relation is Louis Draper to you? A He's a second cousin of mine.
Q When did he come here? A Why he was here with my father eight or ten days ago.
Q Any others? A Yes sir; there was several others but some of them I don't know; there was George Jones and Jim Jones is all I can give their names; there's several others here but I can't give their names.
Q All claiming through the same common ancestor? A Yes sir.
Q And you want to have your case consolidated with the cases of your father John M. Jones et al? A Yes sir.
Q Together with the cases of all other relatives who claim through the same common ancestor through whom you claim? A Yes sir.

The case of John M. Jones father of this applicant James E. Jones is here referred to for the purpose of consolidation.

- Q Have you any other evidence you want to present to the Commission now? A No sir I believe that's all.
Q Do you speak the Choctaw language? A No sir I can't speak it; I can't understand it.

The applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; medium fair complexion now somewhat tanned by exposure to the sun; brown hair; does not understand or speak the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
subscribed and sworn to before me this 30 day of August 1902.

B. E. Jones
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

James E. Jones,

Mayhew, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5733
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Poteet, et al.,	" 6206
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Evada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6198
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence here is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie M. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James P. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John M. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah P. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Anna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

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offices, and that at the expiration of said time the papers in the
case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

David L. Kirby

Acting Chairman.

Registered.

M.C.R. 6193

COPY.

Muskogee, Indian Territory, November 30, 1904.

James H. Jones,

Mayhew, Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

No. 6192

For Identification as a Mississippi Choctaw.

Date

Name James E. Jones

Age 23, Blood 1/16.

Post Office, Mayhew, D. T.

Father: John M. Jones, l.

Mother: Nancy B. " l.

Claims through father,

wife, Lucy L. Jones, l. w.

No claim for wife -

~~Children.~~

Claims for self
also for

Stenographer Clara Mitchell Wood.

Choctaw MCR 6194

Henry M. Jones

See MCR 5735

MCR 6194

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory August 25, 1902

In the matter of the application of Henry M. Jones for
identification as a Mississippi Choctaw.

Henry M. Jones being first duly sworn testified as follows.

Examination by the Commission.

- Q What is your name? A Henry M. Jones.
Q How old are you? A Twenty one years.
Q What is your post office address? A Mayken Indian Territory.
Q How long have you lived there? A Eleven years.
Q Where were you born? A Clark County Arkansas.
Q How long did you live in Arkansas? A About ten years.
Q You went from there where? A Indian Territory Choctaw Nation.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John M. Jones.
Q What is your mother's name? A Nancy B. Jones I believe.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim through your father?
A One sixteenth I guess.
Q Has your father ever been recognized in any way or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in
Indian Territory? A No sir not that I know of.
Q Your father made application to be identified as a Mississi-
ppi Choctaw on the 14th day of August 1902? A Yes sir.
Q He filed his marriage license and certificate with the
Commission at that time did he not? A I think so.
Q Do you want to have that record and that proof of his marriage
referred to in your application? A Yes sir.
Q Do you want to have your case consolidated with his? A Yes sir
The case of John M. Jones et al MC.R. 6133 here referred to
for the purpose of consolidation.
Q Are you married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the
Choctaw nation to either the Choctaw tribal authorities
in the Indian Territory or to the Dawes Commission under the
act of Congress of June 10, 1896? A No sir.
Q Were you ever admitted to citizenship in the Choctaw
nation by either the Choctaw tribal authorities the Commis-
sion to the Five Civilized Tribes or the United States Court
in the Indian Territory? A No sir.
Q Do you appear before the Commission at this time to be admitted
and identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
Yes sir.
Q Do you understand that article of that treaty? A No sir not
exactly.
Q You know what a treaty is don't you? A Yes sir.

Q It's a contract or agreement or compact made between nations
A Yes sir.

A contract in writing is often made between people by which in that written agreement one party agrees to do a certain thing and another agrees to do a certain other thing?

A Yes sir.

Well this was the same thing only it was made in 1830 between the United States government on one hand and the Choctaw nation on the other and the treaty they made was to bring about the removal of the Choctaw Indians from that old Choctaw Nation east of the Mississippi to the Choctaw Nation Indian Territory; the Indians couldn't be made to remove without giving their consent to be and by signing the treaty of 1830 they did consent to go and they did afterwards go from that old Choctaw nation to the Choctaw Nation Indian Territory between the years 1833 and 1838 having been removed under the treaty and the terms of that treaty by the government at the expense of the government; but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty; they wouldn't sign the treaty to go; neither would the other Indians sign the treaty to go unless some provision was put into the treaty for the special protection of those Indians who didn't want to go and so this article called article fourteen was put in said treaty of 1830 for the special protection and benefit of the Mississippi Choctaw Indians who preferred to stay back in the old Choctaw Nation; the treaty was then signed with article fourteen a part of it and afterward on the 24th day of February 1851 was ratified.

That article is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section 1 lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that don't you? A Yes sir.
Q Do you know if any of your choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.

- Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw?
- A Box.
- Q B-o-x? A Yes sir.
- Q Was there any other spelling to that name that you know of?
- A Why Becky Box I think was her name.
- Q Was that her maiden or married name? A Married name I think.
- Q Do you know what the name of her husband was? A No sir I dont unless it was Box.
- Q But you dont know her husband's Christian name A No sir.
- Q Did she live in the old Choctaw Nation in 1830? A I think so.
- Q What makes you think so? A I've heard my people speak about it.
- Q Who did you hear say so? A My father.
- Q Your father John M. Jones? A Yes sir.
- Q He has been before the Commission? A Yes sir.
- Q Do you know whether Becky Box had a family of children living with her in Mississippi in 1830? A No sir I dont know.
- Q Dont know whether she was the head of a family there then? A No sir.
- Q Never heard that in the family? A Yes sir I've heard them speak about it.
- Q Who did you hear speak about it? A My father and other people.
- Q What did he say? A I heard him say my grandfather and grandmother lived back there and claimed to be Choctaw.
- Q Did you ever hear him or anybody else say that your great grandmother Becky Box lived there in 1830 and had a family of children there then? A Yes sir I heard that she did.
- Q What you know is just what your father told you? A Yes sir.
- Q Didnt you hear that from any other source? A Yes I heard my relations speak about it.
- Q How old would Becky Box be if living now? A I dont know; she would be a hundred years old I guess.
- Q When was she born and where? A I dont know.
- Q When and where did she die? A I dont know.
- Q How many years of her life did she live in Mississippi in the old Choctaw nation? A I dont know.
- Q Did she or any of your Choctaw ancestors own any improvements on a land in the old Choctaw Nation? A I dont know.
- Q Did any of your Choctaw ancestors either Becky Box or any other within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward tell him they wanted to stay in Mississippi their land and become citizens of the States? A I dont know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty?
- A I dont know.
- Q Did any of them own land or claim any land or benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I dont know.
- Q Do you know anything about your ancestors great grandmother Box that your father has told you that you have not testified to? A No sir.
- Q His testimony is before the Commission and contains substantially what you yourself know and would swear to?
- A Yes sir.
- Q And you have made reference to that and want to have it considered in your case.

The Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in the old Choctaw nation take land and become citizens of the states; a good many Indians did this whose names Colonel Ward neglected to put upon his list; his failure to make a complete list of those Choctaws caused a good many Indians who had land in Mississippi to lose their land and the improvements upon it; for both were taken from them by the government and sold; this caused a great many complaints so that in 1837 by an act approved March 3 of that year a commission was appointed by congress; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act approved August 23 of that year another commission was appointed for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians under that article of the treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of congress approved August 23 1842; it was given to those Choctaw Indians who first proved their claims under article fourteen and then showed that their land had been taken from them by the government and sold at its public land sales.

- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further you want to say in support of this application? A No sir I believe not.
- Q Have you any witnesses you want to bring before the Commission at this time? A No sir.
- Q Your brother James R Jones has made application to be identified today has he? A Yes sir.
- Q You want to have your case and your fathers and all your relatives considered together? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage.

- Q Do you speak or understand the Choctaw language? A No sir.

Does not understand or speak the Choctaw language; has fair complexion; brown hair and blue eyes; has no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings Subscribed and sworn to before me this 30th day of August 1902

H M Jones
Notary Public.

COPY.

M.C.R. 6194

Muskogee, Indian Territory, January 7, 1903.

Henry M. Jones,

Mayhew, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5662
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Poteet, et al.,	" 6208
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzner, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William B. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jossie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottilie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora W. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

---3---

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6194

COPY.

Muskogee, Indian Territory, November 30, 1904.

Henry M. Jones,

Mayhaw, Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1905.

Respectfully,

(SIGNED)

T. D. Hootches.

Commissioner in Charge.

No.

6194

For Identification as a Mississippi Choctaw.

Date

Name Henry M. Jones

Age

21

Blood

"C

Post Office, Mayhew, L.P.

Father: John M. Jones, L.

Mother: Nancy B. " L.

Claims through father —

~~Children:~~

Claims for such
alone

Stenographer Clara Medwell Wood

Choctaw MCR 6195

General L. Pace

See MCR 4866

MCR 6195

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 26, 1902.

#6185.

In the matter of the application of General L. Pace for the identification of himself and his five minor children, Stella May, Maud Florence, Alice, Jesse Lee, and Paul O. Pace, as Mississippi Choctaws.

No attorney.

General L. Pace being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A General L. Pace.
Q What is your age? A Forty-four.
Q What is your post office address? A Larue, Benton County, Arkansas.
Q How long have you lived in Larue? A Three years as my post-office.
Q Where before that? A In Benton County.
Q How long have you lived in Benton County, Arkansas? A Born and raised there.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A William Pace.
Q What was your mother's name? A Annie Pace.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One sixteenth.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when they were married? A No sir.
Q Do you know where? A Middle Tennessee, Giles County, I have been told.
Q Were they married by a minister under a license? A I can not tell you.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by either the Choctaw tribal authorities or the United States authorities? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Nettie Pace.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A A white woman.
Q Do you make any claim for her? A No sir.
Q Give me the name of your eldest child? A Stella May Pace.

Gen. L. Pace—2

- Q How old is she? A She is sixteen.
Q The next one? A Haud Florence Pace?
Q How old? A Fourteen.
Q The next? A Alice Pace?
Q How old? A Eleven.
Q The next? A Jesse Lee Pace.
Q A boy? A Yes sir.
Q How old? A Nine years old.
Q The next? A Paul O. Pace?
Q How old is Paul? A Six years old.
Q Is that all? A Thats all living.
Q Is Nettie Pace the mother of these children? A Yes sir.
Q Are you and your wife living together as husband and wife? A Yes sir.
Q And the children are living with you at your home? A Yes sir.
Q When and where were you married to your wife, Nettie? A I dont know as I can give the date exactly, I have got my marriage license, th t will give it. (Presents a paper)
Q Do you want to file this and make it a part of your case? A Yes sir.

The original marriage license and certificate of the marriage of G. L. Pace and Nettie Williams presented by applicant received, filed, and marked "Exhibit A", and made a part of the record in this case.

- Q Is the G. L. Pace in this marriage license the same as General L. Pace, your name? A Yes sir, G. L. is the way I sign my name, but I gave it the other way.
Q Is your name or the name of any of your children or any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A I dont know as I understand you?
Q Is your name or the name of these children on any of the rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you or your children or anyone for them ever made application for enrollment as citizens of the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you for yourself and your children or anyone for you or them made application for citizenship in the Choctaw Nation to the Daves Commission under the act of Congress of June 10, 1896? A No sir, never did.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made for yourself and children to either the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes sir, this is the first.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify these minor children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article of that treaty? A Well now, I dont; you will have to explain that to me if you will.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. It was made for the purpose of removing or getting the consent of the Choctaw Indians to remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, and in order to protect the interests of those Indians who remained back in the old Choctaw Nation article fourteen was put into the treaty. An article in a treaty is one of the sections or sub-divisions of the treaty. Article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lands of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

Now, what that means is this: That those Indians who stayed back in the old Choctaw Nation east of the Mississippi river could have all the rights of Choctaw Indians in the Choctaw Nation Indian Territory if they wanted to go there afterwards, provided they did those things that were incorporated in article fourteen. That is, provided they went to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states.

- Q You understand that dont you? A Yes sir, I think so.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well, Rachel Pace was my father's mother.
- Q What relation was she to you? A My grandmother.
- Q Your father's mother? A Yes sir.
- Q What was her maiden name? A Pace.
- Q It could not have been; your father's name was Pace, and that must have been her married name? A I dont know.
- Q Whom did she marry? A I dont know that.
- Q How much Choctaw blood did she have? A I believe one eighth I think.
- Q That would not be right if you claim one sixteenth, for she is your grandmother and your father would be one sixteenth, and

- if you are one sixteenth your father would be one eighth, and she would be twice that also, which is one fourth? A I can trace my ancestry back to my father's grandfather, William Frazier, as I have been told by my parents.
- Q First give me the name of your Choctaw ancestor who lived in Mississippi or Alabama in the old Choctaw Nation in 1830? A William Frazier.
- Q That's the one is it? A Yes sir, that's the one, and Sallie Pace was a daughter of William Frazier and married William Pace.
- Q And Rachel Pace was their daughter? A Yes sir.
- Q Did William Frazier have Choctaw blood? A I have always been told that he was a full blooded Choctaw Indian.
- Q Did he live in Mississippi or Alabama in 1830? A In Mississippi.
- Q Did he live there in 1830? A I have been told he did.
- Q Did he have a family of children living there then? A I want tell you.
- Q You claim through his son or daughter? A Through his daughter.
- Q What was her name? A Sally Frazier who married William Pace.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Did she have a family of children living there then? A Yes sir.
- Q Do you claim through her daughter or son? A Through her daughter.
- Q Who is that? A That was Rachel.
- Q Did she live in Mississippi in 1830? A I have been told she did.
- Q Did she have a family of children living there then? A No sir, I don't guess she did.
- Q You must not guess about this? A Yes sir, I want to answer just as near as I know how.
- Q Then as you give your testimony it was Sally Pace the daughter of William Frazier who lived in Mississippi in 1830 and had a family there then, or had a daughter, Rachel, and Rachel Pace was living in Mississippi and had no family? A If she had I never heard it.
- Q Your idea about it is that Sally Pace lived there and had this daughter, Rachel, in 1830? A Yes sir.
- Q And therefore Sally Pace was the head of a family there at that time? A Yes sir.
- Q Sally Pace's maiden name was Frazier? A Yes sir.
- Q The daughter of William Frazier? A Yes sir.
- Q She was how much Choctaw blood? A One half.
- Q Do you know where in Mississippi she lived? A Yalobusha county, Yalobusha creek.
- Q Now, did Sally Pace have any other children besides Rachel at that time? A Tom Pace.
- Q A son of hers? A Yes sir, I have been told so.
- Q Brother of Rachel? A Yes sir.
- Q Any others? A None that I know of.
- Q How old would Sally Pace be if living now? A I can't tell you.
- Q What was her husband's name? A William Pace.
- Q White man? A Yes sir.
- Q Sally Pace was what relation to you? A Sally Pace was my great grandmother.
- Q Did she within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, at his agency or office in Mississippi, and tell him that she

- wanted to stay in Mississippi, take land there and become a citizen of the states? A Not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors did that? A No sir, I never did.
- Q You say that Sally Pace lived in Mississippi in 1830 and had a daughter Rachel and a son Tom, and Rachel at that time was not married and did not have a family of children, is that right? A That's the way I have been told.
- Q Did any of your Choctaw ancestors, Sally Pace or anybody else, her father, William Frazier or her daughter, Rachel, own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1831? A I think not, I have been told that they never.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I have been told that William Frazier did.
- Q When did he go from that old Choctaw Nation to the Choctaw Nation Indian Territory? A I have been told that he left there in 1836, I understand that he left there in 1836.
- Q With whom did he leave there? A With the Choctaw Indians, Mississippi Choctaws.
- Q He went to the Choctaw Nation Indian Territory? A I have understood it that way always.
- Q Who told you that? A I have heard my father say it and then my relatives straight through, a good many of them say that he did.
- Q Did his daughter, Sally, remain back there in the old Choctaw Nation at that time? A Yes sir, she was back there.
- Q She did not go to the Indian Territory? A Never that I understood.
- Q Well now, if she remained back there in that old Choctaw Nation and was married and had a family do you know whether she complied with article fourteen of the treaty of 1830? A I don't know.
- Q Did she own any land or claim any land or any of your Choctaw ancestors in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A If they ever did I never heard it.
- Q When and where was Sally Pace born? A In Mississippi I understand.
- Q What date was she born? A I cant tell you.
- Q When and where did she die? A In middle Tennessee, in Giles county.
- Q When did she go from Mississippi to Tennessee? A I cant tell you.
- Q How old was she when she died? A I cant tell you.
- Q Now did she happen to go to Tennessee do you know? A No sir.
- Q Did she speak the Choctaw language? A I cant tell you, I never learn.
- Q Do you speak the Choctaw language? A No sir.
- Q Do you know if she had a Choctaw Indian name? A No, I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months from the

ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". His neglect to make a proper registration of all Choctaw Indians who came before him within the six months from the ratification of the treaty under article fourteen of that treaty caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among these Indians that in 1837 by an act of Congress approved March 3rd of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed by an act of Congress approved August 23rd of that year; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir, I never heard of it.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Never that I ever heard of.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved or showed to the satisfaction of this Commission of 1842 that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q Have you any other evidence that you want to present to the Commission? A No sir.
- Q What relation is Thomas E. Pace to you? A A brother.
- Q Thomas L. Pace? A A brother.
- Q They have both been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q And others who claim through the same common ancestor through whom you claim? A Yes sir.
- Q James D. Pace is what kin to you? A A cousin.
- Q Would you like to have your case consolidated and considered with his case and also the cases of other relatives of yours who have been before the Commission claiming through the same common ancestor? A Yes sir.

The consolidated case of James D. Pace, M. C. R. 4866, is here referred to for the purpose of consolidation.

- Q Is there anything further you want to say now in support of this claim? A Nothing more than I have always been told by my father ever since I can remember that we were Choctaw Indians and had a right in the Choctaw Nation, and I believe it is an honest claim whether we ever get it or not; I don't know anything about it only what I have been told by my parents and old people.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair,

Gen. L Pace-----7

brown eyes, medium fair complexion, somewhat tanned by exposure to the sun; his mustache is lighter brown than his hair. he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the five civilized tribes he recorded in full the above proceedings on the 26th day of August 1902 and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 11th day of September 1902.

B. C. Jones
Notary Public.

COPY.

Muskogee, Indian Territory, January 28, 1903.

General L. Pace,

Iarue, Arkansas.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4886
Mary Lewis, et al.,	M.C.R. 235
William W. Escue, et al.,	M.C.R. 2250
Ella Mealey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. Pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas R. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6195
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Guyll, et al.,	M.C.R. 6261
Thomas R. Guyll, et al.,	M.C.R. 6262
John S. Guyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bennie Escue, Ella Nealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Ullie Pace, Verdie M. Pace, Nora A. Pace, Willmina Pace, Lela P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. Pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas E. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Guyll, Oscar Bennett Guyll, James Elmer Guyll, Sophia Etta Guyll, Newton Franklin Guyll, Thomas R. Guyll, Josie May Guyll, George Alvin Guyll, John S. Guyll, William Henry Guyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Mirtie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra M. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.O.R. 6196

COPY.

Muskogee, Indian Territory, May 11, 1903.

General L. Pace,

Larue, Arkansas.

Dear Sir:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

ED

T. B. Needles

COMMISSIONER IN CHARGE

~~Chairman.~~
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name General L. Pace,

Age 44 — Blood 1/16

Post Office, Larue, Ark. —

Father: William Pace. d.

Mother: Annie " d.

Claims through father
 wife, Nettie Pace, b. w.
 No claim for wife —

Children:

Stella May Pace, — 16.

Maud F. " — 14

Alice " — 11

Jesse Lee " — 9

Paul O. " — 6

Claims for self
 and children

Stenographer

Martin
 W. H. Miller

Choctaw MCR 6196

James W. Sipes

MCR 6196

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of James W. Sipes
for identification as a Mississippi Choctaw, M. C. R. 4196.

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
James W. Sipes.

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Page :

Original application of James W. Sipes,
to the Commission to the Five Civilized Tribes
for identification as a Mississippi Choctaw,..... 1

Decision of the Commission to the Five Civilized tribes
refusing the application for identification as a Mississ-
ippi Choctaw of James W. Sipes,..... 7

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

#6196.

In the matter of the application of James W. Sipes for
the identification of himself as a Mississippi Choctaw.

No Attorney.

James W. Sipes being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James W. Sipes.
Q What is your age? A Thirty-two.
Q What is your post office address? A Shiloh, Oklahoma.
Q How long have you lived at Shiloh? A I have lived there since
the 8th of March, '98.
Q Where did you live before that? A My first ten years in
Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q And you lived there ten years? A Yes sir.
Q Where in Mississippi? A Alcorn county.
Q Where did you go then? A To Texas.
Q Where did you live in Texas? A In Bonham and Gainesville.
Q How long did you live in Texas? A Seventeen years.
Q And then you went where? A To Oklahoma.
Q And you have lived how long in Oklahoma? A A little over
four years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir, she died in Bonham in 1882
I believe.
Q What was your father's name? A William Sipes.
Q What was your mother's name? A Laura Sipes.
Q Through which parent do you claim Choctaw blood? A On my
mother's side.
Q How much Choctaw blood do you claim? A I claim one half, my
mother was a full blood.
Q Where was your mother born? A In Mississippi, so she said.
Q Where did she die? A In Bonham, Texas.
Q Do you know how old she was when she died? A She was between
fifty and fifty-five.
Q When did she die, how long ago? A In 1882.
Q Was she a slave at any time? A No sir.
Q Was your father? A No sir, not that I know of; he came from
Illinois to Mississippi.

Wm

James W Sipes-----2

- Q You never were a slave? A No sir.
- Q What was his blood? A He was a colored man.
- Q Did he have any white blood? A Not that I know of.
- Q Has you any white blood at all? A Not that I know of, unless it come through him, I dont know whether he had any at all or not.
- Q You never heard that he was part white blood at all from your father? A No sir.
- Q Did anybody ever tell you so? A No sir.
- Q Are you married? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Have any of your relatives or kin people been before this Commission to be identified as Mississippi Choctaws? A No sir, nothing unless my uncles that I know nothing about.
- Q You do not know of any kin that have ever been here? A No sir.
- Q What is your wife's name? A Annie Sipes.
- Q She is living? A Yes sir.
- Q What is her blood? A She is colored and white, about one-fourth colored.
- Q No Choctaw blood? A No sir.
- Q Do you make any claim for her? A No sir.
- Q Have you any children? A No sir.
- Q Do you claim for yourself alone? A Yes sir.
- Q Have you the proof of your marriage to your wife, Annie, with you? A No sir.
- Q When were you married to her? A July, '95.
- Q Where were you married? A Gainesville, Cook county, Texas.
- Q By a minister under a license? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, I didn't know that I was allowed.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Not thoroughly, but I heard you explain it a while ago, but then I dont understand it.

A treaty is a contract or more properly speaking a compact made between two or more nations; and the treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830. It was made for the purpose of getting the consent of the Choctaw Indians to remove from that old Choctaw Nation east of

the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in that old Choctaw Nation article fourteen was put into the treaty of 1830. The treaty was then signed and later on, on February 24th, 1831, was ratified. Article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q That is article fourteen under which you are making this claim, you understand the object of that article, the purpose of it?
A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A My mother says that her father did own land in Mississippi.
- Q He lived there didn't he? A Yes sir.
- Q What was your grandfather's name? A His name was John Wolf.
- Q Did he live in Mississippi in 1830, seventy-two years ago? A Yes sir mother says - I believe my mother was born somewhere along about that time.
- Q Was your mother living in Mississippi in 1830 so that John Wolf could be the head of a family there then do you think?
A I am not sure she was living at that time, but she tells me that he was.
- Q In 1830? A Yes sir.
- Q Did she ever tell you that he had other children living there at that time? A No sir, he had only one child in the family.
- Q What is your recollection about him having a child or children in 1830? A I know nothing only what my mother says.
- Q What did she say? A She said her father, John Wolf, owned land at that time, but whether he had any children at that time I never heard her say, and if there was more than one child I don't know it.
- Q This John Wolf had only one child? A Yes sir.
- Q And that was your mother? A Yes sir.
- Q How old would she be if living now? A Somewhere from 65 to 70 years old maybe.
- Q Do you think she might be 72 or 73? A She could be.

- Q You are not sure about that? A No sir, because I dont know my mothers age.
- Q Where did she die? A In Bonham, Texas.
- Q And was born in Mississippi? A Yes sir.
- Q When did she die? A in 1882.
- Q At what age? A Well, I really dont know her age, but somewhere between 50 and 55 maybe, I dont think it was 60.
- Q Suppose she was 50, if she was 50 and died in 1882 that would make her 70 if she was alive now; if 55 she would be 75 now,-- what is your best recollection as to how old she would be now? A Thats the best I know, I was small then.
- Q You are not able to swear that she was living in 1830, 72 years ago? A No sir.
- Q Did you ever hear her say that she was living in 1830? A No sir.
- Q Or anybody else ever say she was? A No sir, only she just spoke of her father John Wolf was living in 1830.
- Q Did he have a father and mother living there in Mississippi in 1830? A I dont know.
- Q How old would John Wolf be have been in 1830, 72 years ago? A I suppose by him being the head of a family he would be somewhere about 90 or 80 now.
- Q You say he was the head of a family, he could not be the head of a family if he had no children,-- you say your mother was living in 1830? A I cant say that.
- Q Well, if he was the head of a family he must have had children? A I supposed I was the head of a family if I have got a wife and no children.
- Q Well, not in the sense of having children, in the sense he was supposed to be; if John Wolf was married and living in Mississippi in 1830 it may be that he was the head of a family, but he certainly was the head of a family if he had children living there at that time? A I dont know positively whether my mother was born at that time or not, I cant say and be sure.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1831? A No more than my grandfather.
- Q Did he own improvements on land there in 1831? A I dont know how about the improvements, she said he owned land and it was taken away from him and she complained of that.
- Q Did John Wolf own any land in Mississippi that was taken away from him? A That was what she said.
- Q Do you know whether John Wolf or any other Choctaw ancestor of yours went to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, I never heard my mother say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A No sir, not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors, John Wolf, or any other, owned any land or claimed any land in that old Choctaw Nation east of the Mississippi under article fourteen of the treaty of 1830? A No sir, not that I know of only what she spoke about her father.
- Q What did your mother ever tell you about her father, John Wolf, having land there in Mississippi in the old Choctaw Nation that the government had taken from him or anybody else had taken from him? A She never said the government taken it

from him, but she said the land was taken from him.

- Q You dont know whether it was done by the citizens there in Mississippi or not? A No sir, or the government, I never understood it no way.
- Q You do not know where that land was located? A No sir.
- Q Do not know how much land? A No sir.
- Q Nor how it was bounded? A No sir.
- Q Don't know who ever got it or what became of it? A No sir.

The Choctaw Indians who stayed back in that old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register". And his failure to do this caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1830 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. This commission was appointed under an act of Congress approved August 23, 1842.

- Q Do you know if any of your Choctaw ancestors appeared before either of these two commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir, I dont.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not that I ever heard of.

This scrip was issued by the government under the act of Congress approved August 23, 1842, and was issued to those Indians who proved their claims under article fourteen of the treaty of 1830, and also proved that they had had land in Mississippi in the old Choctaw Nation which the government had taken from them and sold.

- Q Do you speak the Choctaw language? A No sir.
- Q You say your mother was born in Mississippi? A Yes sir.
- Q Have you any other evidence that you want to introduce at this time? A No sir, not at present.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Not that I know of.
- Q You are the only one of your kin folks that have been here? A Yes sir, all that I know of.
- Q Is there anything more that you want to say now in support of this claim? A No sir.
- Q You have no attorney have you? A No sir.

Thirty days time is allowed this applicant from the date hereof in which to introduce other proper evidence in support

James W Sipes-----6

of this application.

This applicant has the appearance and physical characteristics of being descended from negro parentage and either white or Indian blood; he has no knowledge of having any white blood so he states in his testimony; his features are thin, and he has none of the characteristic features of the negro; his color is more of the copper color of the Indian than of the negro; his hair is black and somewhat wavy, but is not curly. The Commission is unable to determine whether he has Choctaw blood, and if so how much, but he has either Indian and negro blood or white and negro blood. In the absence of proof to the contrary his statement with reference to having Indian blood may perhaps be treated as being a truthful statement. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of August 1902 and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 17 day of September 1902.

BC Jones
Notary Public.

COPY.

Copy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James W. Sipes,
for identification as a Mississippi Choctaw, M. C. R. 6196.

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--: D E C I S I O N :--

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by James W. Sipes for himself, under the following provision of the act of Congress approved June 26, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of John Wolf, who is alleged to have been a Choctaw Indian (degree of blood not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Wolf, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23,

1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James W. Sipes as a Chectaw Indian entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

Acting Chairman.

I. B. Needles.

Commissioner.

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

Feb 4 1903

COPY.

M.C.R. 6196.

Muskogee, Indian Territory, February 4, 1903.

James W. Sipes,
Shiloh, Oklahoma.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James W. Sipes, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James W. Sipes as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together

J. W. S. # 2.

With such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6196.

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James W. Sipes, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James W. Sipes as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Dixey.

Acting Chairman.

COPY

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James W. Sipes, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Kirby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6196

Muskogee, Indian Territory, February 26, 1903.

James W. Sipes,

Shiloh, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you state that the letter of the Commission notifying you of the refusal of the application made by you for identification as a Mississippi Choctaw did not reach you in time to permit you to file arguments within the fifteen days allowed. You ask that the time be extended thirty days.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted you within which to file arguments in support of your claim to be transmitted to the Secretary of the Interior, expired on February 19, 1903. On February 20, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

Land
12765-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington.

April 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of James W. Sipes, for identification as a Mississippi Choctaw, claiming rights as such, under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicant bases his claim to identification on his descent from John Wolf, who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through Laura Sipes (nee Wolf) his daughter, mother of the applicant.

The Commission rejected the applicant Feb. 4, 1903, because the name of the ancestor through whom he claims, does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that the applicant has never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office in reference to the name of John Wolf and his daughter Laura Sipes (nee Wolf) and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, neither does it appear that either of them applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842 (5 Stats., 180-513) for an adjudication of their rights, if they had any, as Choctaw Indians.

The applicant says that his mother told him that John Wolf owned land in Mississippi in 1831 but there is no record to that effect nor does the applicant adduce any evidence to substantiate his statement only that his mother told him so.

These being the facts it is the opinion of this office that the decision of the Commission rejecting the applicant is correct and it is respectfully recommended that their decision be approved.

Very respectfully,

Acting Commissioner.

C.T.C.

D. C. 14938-1903.

ITD. 3936-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR.
Washington.

WCF
EAF

May 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification of James W. Sipes as a Mississippi Choctaw, including your decision of February 4, 1903, refusing the application.

The applicant claims rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of John Wolf, through his daughter, Laura Sipes, mother of the principal applicant, it being alleged that they were full blood Choctaw Indians and residents of Mississippi at the time of the making of said treaty.

The evidence as furnished by the record fails to show that John Wolf, or Laura Sipes (nee Wolf) ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

The records of the Indian Office fail to show that any one by the name of John Wolf or Laura Sipes (nee Wolf) ever complied or attempted to comply with the provisions of said article 14 of the treaty, or with the subsequent acts of Congress relating thereto.

-2-

Reporting April 20, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

copy.

M.C.R. 6196

Muskegee, Indian Territory, May 29, 1903.

Manefield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of James W. Sipes, for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

SIGNED:

J. C. Neelander

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

107-13.
REFER IN REPLY TO THE FOLLOWING

M.C.R. 6196

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 29, 1903.

James W. Sipes,
Shiloh, Oklahoma.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,



Commissioner in Charge.

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No. 6196

For Identification as a Mississippi Choctaw.

Date Aug 21 1896

Name James W. Sipes,

Age 32. Blood $\frac{1}{2}$

Post Office, Shiloh, Okla.,

Father: William Sipes, d.

Mother: Laura "Lee, d.

Claims through mother
wife.

Arnie Sipes, l.
(col. and w.)

No claim for wife.

Children:

Claims for self
alone

Stenographer W. H. Martin

6196

RECEIVED

DEPT. OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, CIVILIZED TRIBES.

JUL 2 1903

CHAIRMAN



Choctaw MCR 6197

Sarah K. Peters

See MCR 271

MCR 6197

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 26, 1902.

In the matter of the application of Sarah Katherine Peters for the identification of herself, her four minor children, Syble, Travis D., Charles and Luther Peters, and her four minor nieces and nephews, Nannie Ann, Oia, Homer and Oscar Thomas Lott, children of her deceased sister, Matilda Ann Lott.

Sarah Katherine Peters being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie Peters; my full name is Sarah Katherine.
- Q What is your age? A I will be forty one years old the 17th of last February.
- Q What is your post office address? A Jeanette, Jack County, Texas.
- Q How long have you lived at Jeanette? A Two years the 7th day of this coming December.
- Q Where did you live before that? A In the eastern portion of Navarro County - in Rural Shade.
- Q In Texas? A Yes sir.
- Q Were you born in Texas? A Yes sir.
- Q Is your father living? A No sir.
- Q Is your mother living? A No sir; my mother's been dead eighteen years last November.
- Q What is your father's name? A Lewis W. Donaho.
- Q What was your mother's name? A Sarah Bryant before she married my father.
- Q Through which parent do you claim Choctaw blood?
- A My grandmother on my father's side; my father's mother.
- Q Through which parent? A My father.
- Q How much Choctaw blood do you claim? A I can't tell you; my uncle said he thought we were about one sixteenth. But I can't be positive.
- Q You don't know? A No sir I don't know; I am not really positive that we are Choctaw but that's what he said we were.
- Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know sir whether he ever was or not.
- Q Can you tell when and where your father and mother were married? A Yes sir they was married at Corsicana, Navarro County; they wasn't married right in the city; they was married four miles west.
- Q When were they married? A They was married I reckon in 1857 because my sister was born the fourth day of December 1858; I have the record of their marriage.
- Q With you? A No sir; I didn't bring it with me.

Q When were they married if you know? A The 7th day of January 1857 I think; I'm not positive.
 Q Have you the proof of that marriage with you at the present time? A No sir I didn't bring it with me.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A Tom K. Peters.
 Q Is he living? A Yes sir.
 Q Is he a white man or Choctaw Indian? A He's a white man.
 Q Do you make any claim for him? A Yes sir.
 Q Do you make claim for your husband? A Yes sir; I've been told that I could.
 Q He is a white man and you are making application for yourself as having Choctaw blood and your children as having Choctaw blood but I never heard of a white man being applied for.
 A All I know one of our friends, an old neighbor said he talked to an agent and he said that Mr Peters could get equal share with me because he was adopted; that he and I was the same as one and he could have equal share with me; I don't want a thing but what's right.

The only authorities under which the Commission has a right to receive these applications for identification as Mississippi Choctaws is contained in a part of Section twenty one of the Act of Congress of June 28, 1898; in other words known as the Curtis Bill; that part of Section twenty one referred to reads as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Now under that authority the Commission is of the opinion that it cannot identify any person as a Choctaw Indian claiming rights in the Choctaw lands unless they have Choctaw blood.

A I don't think myself it's right.
 Q You don't make application then for your husband? A No sir if it's not customary; I don't want anything but what's right; if I've got a right I want it and if I haven't I don't want it.
 Q You claim for minor children of your own do you? A Yes sir.
 Q What is the name of your oldest minor child? A Syble Peters.
 Q How old is Syble? A She will be fifteen in December.
 Q She's fourteen now? A Yes sir.
 Q What is the name of the next child? A Travis D. Peters.
 Q How old is Travis? A Ten years last June.
 Q What's the name of the next? A Charles.
 Q How old is Charles? A Seven.
 Q What is the name of the next? A Luther.
 Q These are your own children are they? A Yes sir.
 Q How old is Luther? A He was three years old last November.
 Q Is T.K. Peters the father of these children? A Yes sir.
 Q Are you any your husband living together as husband and wife? A Yes sir.
 Q And are these children living with you at your home?
 A Yes sir.

- Q Have you any other children you want to make application for whom you have now in your charge? A Yes sir; four of my sisters children.
- Q What is the name of the oldest of your sisters children? A Nannie Ann Lott.
- Q How old is Nannie? A She's fourteen - will be fifteen in September.
- Q The next? A Oh; she's twelve will be thirteen in October.
- Q The next? A Homer; ten years old last January.
- Q The next? A Thomas; Oscar Thomas is his full name; they call him Tommie.
- Q How old is Oscar? A He's six years old.
- Q These are your nephews and nieces are they? A Yes sir.
- Q What is their father's name? A John Lott. J. H. is his initials.
- Q Is he dead? A Yes sir.
- Q Was he a white man? A No sir; he was right smart Indian but I never knew what tribe; I couldn't do anything with it; I don't suppose I could.
- Q Was the rest white blood? A Yes sir; he was more Indian that white it seemed to me; he didn't know what tribe he was.
- Q What was the name of the mother of these Lott children? A Matilda Ann Donaho was her name before she married Lott.
- Q Is she dead? A Yes sir.
- Q What was her blood - how much Choctaw? A Just the same as mine; I can't tell you how much; we were full sisters; both had the same mother and father.
- Q Are these children living with you at your home? A Yes sir.
- Q Have you been appointed the legal guardian of these children? A No sir; when they wrote to me that their sister was dead I wrote to them if they wanted to they could come and live with me.
- Q Are you and your husband taking care of these children and educating? A Yes, if we live.
- Q Take care of them just the same as you would your own children? A Yes sir.
- Q Have they any nearer relatives on the Choctaw side than yourself? A No sir.
- Q Do they live with their aunt before they came to you? A No sir they have no aunt only myself.
- Q Who did they live with until they came to you? A Their married sister until she died.
- Q You had them since when? A April tenth this year.
- Q You now make this application for these children because they you are their aunt and they claim their Choctaw blood through their mother who was your deceased sister and because in making this application for them now you are preserving and subserving their rights are you? A Yes sir.
- Q Your maiden name was Sarah K. Donaho? A Yes sir.
- Q Her name was Matilda Ann Donaho? A Yes sir.
- Q Was she younger or older than you? A Two years older.
- Q How long has she been dead? A Six years the 24th day of last April.
- Q How long has the father of these children been dead? A Two years last January.
- Q The Choctaw blood you claim for these four Lott children they derive through their mother and she derived it from the same source from whom you got your Choctaw blood? A Yes sir.
- Q How much Choctaw blood do you claim for these children - do you know? A No sir; because I don't know how much I have.

- Q The post office address of these four Lett children is the same as yours? A Yes sir.
- Q Jeanette Texas? A Yes sir.
- Q Was your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian territory? A Not that I know of.
- Q Was the mother of these Lett children Matilda Ann Lett ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian territory?
- A No sir.
- Q When and where was John H. Lett and his wife Matilda Ann married? A In Navarro County, Rural Shade in 1875.
- Q In the state of Texas? A Yes sir.
- Q By a minister under a license? A No sir a Justice of the Peace.
- Q Were you present at their marriage? A Yes sir.
- Q Do you remember the name of the minister? A Squire Clemmons; J. was one part of his name.
- Q Is your name or the name of any of your children or the names of these Lett children on any of the tribal rolls in the Choctaw Nation? A No sir.
- Q Has application ever been made for you or your children or these Lett children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian territory?
- A No sir.
- Q Has application ever been made for you or by you or for your children or these Lett children to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? That's six years ago? A No sir.
- Q Have either you or your minor children or these Lett children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the commission to the Five Civilized Tribes or the United States Court in the Indian territory? A No sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and your minor children and these ~~minor~~ children of your deceased sister Matilda Ann Lett under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- A Well I cant say that I do.
- Q Do you understand what a treaty is? A No sir.
- Q A treaty is a contract or agreement, in writing between two or more nations; because it is made between nations it is called a treaty; such a treaty as that was made between the United States government and the Choctaw tribe of Indians who lived in the old Choctaw Nation east of the Mississippi river in 1830 on the 27th day of September of that year; the object of this treaty which was made between the United States government and the Choctaw Indians was to get the consent of the Choctaw Indians to remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory but before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian territory under the treaty of 1830. In order therefore to protect the

interests of those who desired to stay back there in that old Choctaw nation which was partly in Mississippi and partly in Alabama article fourteen was put into the treaty; article fourteen was put into the treaty of 1830 for their special benefit and protection; an article in a treaty is a subdivision or section of that treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you not now? A Yes sir I think I do.
- Q Do you know whether any of your ancestors or the ancestors of these Lott children ever complied or attempted to comply with article fourteen of the treaty of 1830? A No sir I dont; I'm most sure they never did.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother Annie Chance was her name; my father's mother.
- Q Did she live in Mississippi in 1830? A Well I cant tell you whether she did or not; she lived in Mississippi but I cant tell you what year.
- Q Can you give the name of any ancestor of yours who did live in Mississippi in 1830 and was the head of a family there then? A No sir I dont; my grandfather I'm satisfied was head of a family at that time but just whether she lived in Mississippi at that time -- she was married to my grandfather in Mississippi.
- Q What was your grandfather's name? A Daniel Donaho, was his name.
- Q How her name was Annie Donaho? A Yes sir.
- Q Annie Chance was her maiden name? A Yes sir.
- Q Did you ever heard that she lived in Mississippi in 1830 and had a family there then? A No sir; I never heard her say or any of the rest of them say what year it was she lived there.
- Q Is Annie Donahoe the ancestor through whom all these Mississippi Choctaw applicants are claiming? A Yes as far as I know.
- Q Do you know whether she claimed through her father or mother? A No sir I dont.
- Q Do you know the name of her father or mother? A No sir.
- Q Do you know whether her father or mother lived in the state of Mississippi or Alabama in the old Choctaw nation? A No sir; she was an orphan at the time she married my grandfather but I cant tell when her parents died.

- Q How old would she be if living now? A Well she was eighty three years old - in her eighty third year if I remember right - eighty two or three when she died in 1877 I think I won't be positive.
- Q If she was eighty two in '77 - that was twenty five years ago she would be one hundred and seven years old if living now wouldn't she? A Yes sir. I suppose so.
- Q Do you know whether she was born in Mississippi? A No sir I don't know.
- Q And you have no means of knowing whether she lived in Mississippi in 1830 and had a family there then? A No sir; I heard her say she lived in Mississippi - was married in Mississippi and one or two of her children was born in Mississippi but I never did hear her say what year.
- Q Did you ever hear where she died? A She died four miles south of Corsicana in Navarro County Texas.
- Q This Annie Donaho was your father's mother? A Yes sir.
- Q Was he born in Mississippi? A I can't tell you to save my life.
- Q How old would he be if living now? A Well I can't tell you to save my time; I have the record of his age.
- Q When did he die? A He died the 18th of May 1862.
- Q How old was he when he died? A Well I can't tell you exactly how old; I have no knowledge of ever having seen my father; I was born in '61 and he died in '62; I can't tell you what year he was born in.
- Q Don't you know when he died in '62 whether he was a young man or middle aged or old? A I think he was twenty five when he married my mother and they had been married five years when he died.
- Q Then in 1862 he was thirty years old? A Yes sir.
- Q Was he killed in the war? A No sir he died of measles they tell me.
- Q If he was thirty years old in '62 which was forty years ago; he would be seventy two years old if living? A Yes sir.
- Q Do you think that's right or do you think he would be older or younger? A I think that's about right; I can't say whether it's just right.
- Q You don't know whether he was born in Mississippi or not? A No sir.
- Q Did he have any older brothers or sisters? A Yes sir.
- Q Older? A Yes sir; Calvin Donaho was the oldest.
- Q How much older than your father? A I don't know how much; he was the oldest one.
- Q Your father was the fifth? A No sir my father was the fourth son.
- Q Do you know whether any of those older brothers were born in Mississippi? A I'm not positive but I think the two oldest were born in Mississippi.
- Q And they would have been born previous to 1830? A Yes sir.
- Q Because your father if living would be seventy years old according to your statement? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or '31? A Well I don't know sir.
- Q Is Annie Chance who you say is your grandmother and married Daniel Donaho the great grandmother of Emma, Ella, Homer and Oscar Lett? A Yes sir and my children also.

Q And the great grandmother of your children Syble, Travis D. Charles and Luther Peters? A Yes sir.

Q You claim Choctaw blood for these nephews and nieces because their mother Matilda Ann Lott was your own sister having the same father and mother? A yes sir.

Q Did any of your Choctaw ancestors or the Choctaw ancestors of these Lott children go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or '40? A No sir I suppose not; if they did I dont know it.

Q Did any of your Choctaw ancestors or the Choctaw ancestors of these Lott children within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward, and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States? A I dont know.

Q Did any of your Choctaw ancestors or the ancestors of these minor children of yourself or your sister Matilda A. Lott own any land or claim any land in that old Choctaw Nation east of the Mississippi river which lay partly in Mississippi and partly in Alabama under article fourteen of the treaty of 1830? A No sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay there in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; his failure to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and the improvements for they were taken from them by the government and sold at its public land sales; on account of the complaints that were made by the Choctaw Indians Congress appointed a commission in 1837 which commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; in 1842 another Commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors or the Choctaw ancestors of these Lott children go before the Commission which was appointed by an act of Congress approved March 3 1837 or before the Commission appointed by an act of Congress approved August 23 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.

Q Did any of your Choctaw ancestors or the Choctaw ancestors of these Lott children ever receive any scrip from the government of the United States which entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly owned in the old Choctaw Nation and which the government had taken from them and sold. A No sir.

This scrip was issued under an act of Congress approved August 23 1842 .

- Q Have you any relatives who have been before this commission to be identified as Mississippi Choctaw? A Yes sir Uncle Travis.
- Q Travis F. Donaho? A Yes sir.

- Travis F. Donaho M.C.R. 4468 is here referred to.
- Q What relation was he to you? A My father's brother.
- Q What relation is Isaac E. Donaho to you? A An uncle.
- Q He has been before the Commission also has he not to be identified as a Mississippi Choctaw? A No sir.
- Q Yes he has. A Well he ~~has~~ is not an uncle of mine because that uncle of mine died before he was grown.
- Q The n ysaac E. Donaho who has been before the Commission is not your uncle? A He's a cousin I expect; it's uncle Wince's son.
- Q The uncle ysaac E. Donaho you say is dead? A Yes sir.
- Q And you think this is a descendant of his? A Yes sir; Uncle Wince had a son - whether he's living or not -- his children were all small when he died; Uncle Wince died in 1870 I recollect; I never seen his children since. I suppose they are living there in Hill County; he had one called Sandy and I suppose his name was Isaac; Sandy was a nick name; Went was the eldest; the next Henry Ann a girl, the next Andy; his name was Isaac; the next was Billy was Uncle Wince's four children and Uncle Henry and Uncle Black I dont know what their children's names are.

- Q Do you want to have your case consolidated with the cases of Isaac E. Donaho et al also with Travis F Donaho case 4468? A Yes sir just what you think best about that.

The case of Isaac E. Donaho et al M.C.R. 71 is here referred to for the purpose of consolidation.

- Q Have you any other material evidence you want to get before this Commission? A No sir.
- Q Except what has already been introduced in your case and the cases of your relatives? A No sir not that I know of; I dont know whether Uncle Henry and Uncle Black have been before the Commission or not.
- Q Do you speak the Choctaw language? A No sir I never seen a real Indian in my life.
- Q Never have seen a real Indian? A No sir.
- Q I thought you were a real Indian? A No sir my mother was Irish.
- Q Dont you claim to be a pretty good representative of the Choctaw Indians? A Yes sir butt I never seen a real Indian not close enough to speak - a full blood Indian.
- Q Your father was a full blood Irishman? A No sir my mother was Irish descent and my father - I dont know what he was except Indian.
- Q You claim your Choctaw blood through your father? A Yes sir
- Q Donaho is an Irish name isn't it? A Yes sir; I think he was Indian and Irish; my mother wasn't a full blood Irishman; she was Irish descent.

This applicant has the features and appearance of a person of white parentage; she has hair pretty nearly black;

A My hair has been black.

She has black eyes; medium dark complexion; she has no knowledge of the Chictaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 26th day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 26th day of August 1902.

D. C. Jones
Notary Public.

Muskegee, Indian Territory, January 19, 1903.

Sarah K. Peters,
Jeanette, Texas.

Dear Madam:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac E. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac E. Donaho, et al.,	M.C.R. 271
Robert E. Donaho, et al.,	M.C.R. 273
John E. Donaho,	M.C.R. 275
Anna Journagan, et al.,	M.C.R. 2232
Martin W. Palmer, et al.,	M.C.R. 2233
Will Palmer,	M.C.R. 2234
James W. Palmer, et al.,	M.C.R. 2235
Florence Malderine Ward, et al.,	M.C.R. 570
George W. Donaho,	M.C.R. 571
Walter Lee Donaho,	M.C.R. 573
Lena J. Clappitt, et al.,	M.C.R. 614
Thomas T. Donoho,	M.C.R. 841
Blackstone B. Donaho, et al.,	M.C.R. 986
T.F. Donaho, et al.,	M.C.R. 4468
William Donaho, et al.,	M.C.R. 4608
Joseph T. Young, et al.,	M.C.R. 4609
Frances Ann Young,	M.C.R. 4610
Paralee L. Searcy, et al.,	M.C.R. 4611
Mollie Martin, et al.,	M.C.R. 5147
Lula Watson, et al.,	M.C.R. 5148
William L. Donaho, et al.,	M.C.R. 5149
Charlie Donaho, et al.,	M.C.R. 5150
Sallie Martin, et al.,	M.C.R. 5151
Sarah Katherine Peters, et al.,	M.C.R. 6197

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac E. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert E. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Walderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clappitt, Clare Lilly Clappitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Manie Donaho, Ollie Donaho, Nora Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Nannie Ann Lott, Ola Lott, Homer Lott and Oscar Thomas Lott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 6197.

COPY.

Maskokee, Indian Territory, July 30, 1903.

Sarah K. Peters,

Jeanette, Texas.

Dear Madam:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

SIGNED

T. B. Needles
Commissioner in Charge.

No. -

5410

For Identification as a Mississippi Choctaw.

Date

Name Sarah K. Peters,

Age 41 — Blood Don't know —

Post Office, Jeanette, Texas,

Father: ^{Lewis} ~~Lott~~ W. Leonah. d.

Mother: Sarah " d.

Claims through father —
husband.

F. K. Peters, l. w.

No claim for husband

Claims for self and,

Children:

Seyble Peters ————— 14.

Davis do " ————— 10

Charles " ————— 7.

Luther " ————— 3.

Nannie Ann Lott, 14

Ola " 12

Homer " 10

John Oscar T. " 6

Father, John H. Lott, (d) po. & Ind.

Mother, Matilda Ann " (d) Choctaw.

Claim cho. blood this mother.

Matilda Ann reveals, don't know

Claims for her & minor children

and 4 others & her deceased sister

Clara Mitchell Wood

Choctaw MCR 6198

• John A. Meeks

See MCR 5735

MCR 6198

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 26, 1902.

#6198.

In the matter of the application of John A. Meeks for the Identification of himself and his minor child, Walter Meeks, as Mississippi Choctaws.

No Attorney.

John A. Meeks being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John A. Meeks.
Q What is your age? A Thirty-one, be thirty-two in October.
Q What is your post office address? A New Hope, Arkansas.
Q How long have you lived in Arkansas? A Born and raised there.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Jesse L. Meeks.
Q What is your mother's name? A Amanda Meeks.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A About one sixteenth.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sallie Meeks.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A A white woman.
Q Do you make any claim for her? A No sir.
Q Have you any children? A One.
Q What is the name of your child that you want to make application for? A Walter Meeks.
Q How old is Walter? A He is five years old, he will be six in October.
Q Is that all the children you have? A Yes sir, I have one dead.
Q Is Sallie Meeks the mother of Walter? A Yes sir.
Q Are you and she living together as husband and wife and is this child living with you at your home? A Yes sir.
Q Have you the proof of your marriage to your wife, Sallie, with you? A Yes sir. (Presents a paper)
Q Is this a copy? A No sir, the original.

The marriage license and certificate of the marriage of John A. Meeks and Sallie White presented by this applicant, received, filed, marked "Exhibit A", and made a part of the records in this case.

- Q Do you want to file this with your case? A Yes sir, I suppose so.
- Q Is your name or the name of your minor child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for yourself or your son for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you made any application for citizenship in the Choctaw Nation to the Dawes Commission for yourself and your child under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application that you have ever made for yourself and child for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A They put it in here about six years ago, I did not myself, no sir.
- Q Has any application ever been made to the Dawes Commission for you or for any members of your family by anybody? A Yes, I reckon my father and mother did.
- Q How long ago was that? A Been five or six years ago I guess.
- Q To the Dawes Commission? A Yes sir.
- Q What was done with that application, was it refused? A Well, I cant tell you what was done with it; all I heard was that we come in too late.
- Q Well nothing was ever done with that application as far as becoming members of the Choctaw tribe? A No sir, it was just dropped then, we thought we were too late to get in.
- Q Do you now come before the Commission to identify yourself and child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I dont know, I dont understand that, I cant answer it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was made on the 27th day of September of that year, 1830, between the United States government and this Choctaw Nation for the purpose of removing the members of the Choctaw tribe from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory with the other Indians, and so this article fourteen was put into the treaty for the especial benefit of those Indians who would not go. Now, that article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the

location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

An article in a treaty is a part of the treaty, a subdivision or section of it. A treaty is an agreement made between two or more nations instead of between individuals. These Indians would not go without this article being put into the treaty, and none of the Indians could be removed without their consent, and they consented to go in that treaty.

- Q Now, you understand do you that article fourteen of the treaty was made to protect the interests of those Choctaw Indians who stayed back in the old nation in Mississippi and Alabama? A Yes sir, I reckon so.

And that was the general purpose and object for the drafting and putting article fourteen into the treaty. These Indians might afterwards go to the Indian Territory and have all the rights of citizens there, they and their descendants, only they could not have the annuities, which was a money payment to each individual member of the Choctaw tribe, and given only to those Indians who originally removed under the treaty of 1830.

- Q Now do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A That Rebecca Box.
- Q How do you spell that name? A B-o-x or B-o-p either way.
- Q What is the full name, the given name of this Box or Bop? A Rebecca.
- Q Do you know whom she married? A Yes sir,-- only just what I have heard.
- Q What have you heard? A I heard she married a Jones.
- Q What was the full name? A Willis Jones,-- no, it was not Willis, I cant tell, I dont know.
- Q Was the husband a white man? A I suppose so.
- Q How much Choctaw blood did Rebecca Box or Bop have? A I dont know, I have heard that she was either a half or three-quarters, I dont know myself.
- Q Did you hear different members of the family say she was three-quarters? A Yes sir.
- Q Did she live in Mississippi or Alabama? A She lived I reckon in Mississippi.
- Q Did she live there in 1830, 72 years ago? A I cant answer that.
- Q What have you heard in the family, have you heard that she lived there in 1830? A I dont know, I cant answer that, I dont know whether I did or not.

It will be necessary for you in order to prove your right to be identified as a Mississippi Choctaw before the Commission to show that you had a Choctaw ancestor who lived in the state

of Mississippi or in Alabama, either state, in that portion of either state known as the old Choctaw Nation in 1830, and that that ancestor living there in 1830 was the head of a family there then, and complied or attempted to comply with article fourteen of the treaty of 1830.

- Q Did you ever hear that Rebecca Box lived in the state of Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A She lived there, I dont know whether she lived there in 1830 or not.
- Q Where was she born? A Now I dont know as I can tell where.
- Q Do you know when she was born? A No sir I dont.
- Q Do you know what portion of her life she lived in Mississippi? A She lived there in the old days, she come from there to Arkansas.
- Q Do you know what portion of her life she lived in Mississippi? A Her young days when she lived there.
- Q Do you know whether she married in Mississippi? A No sir I dont.
- Q Do you know what date she died? A No sir I dont.
- Q Nor how old she would be if living now? A No, I dont remember her age, she died before I was born.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A I cant tell you whether she did or not.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830 or 1831? A I dont understand that question?
- Q Did Rebecca Box or any other ancestor of yours having Choctaw blood own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830? A I dont know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I cant answer that question.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors, Rebecca Box or any other, own any land or claim any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I cant answer that.
- Q Was Rebecca Box or Bop the maiden name of your ancestor that you are making this claim through? A Yes sir.
- Q Do you claim through your mother, Amanda Meeks? A Yes sir.
- Q And her maiden name was what? A Jones.
- Q Did she ever live in Mississippi? A Yes sir she was born there.
- Q How old is Amanda Jones now? A About 63 or 4, somewheres near there.
- Q And she was born in Mississippi? A Yes sir.
- Q Do you remember where in Mississippi? A I dont know whether I can give it right or not.
- Q She claimed her Choctaw blood through which parent? A Her father.
- Q What was her father's name? A Willis Jones.
- Q That is the name of your mother's father, your grandfather? A Yes sir.
- Q And he had Choctaw blood? A Yes sir, that is what they say.
- Q Did he live in Mississippi? A Yes sir.

- Q How old would Willis Jones be if living now? A I cant answer that.
- Q Do you know where he was born and when? A No sir I dont.
- Q Do you know when and where he died? A I dont know where he died, he died about the close of the war.
- Q Do you know whether he lived in Mississippi in 1830? A No sir I dont.
- Q Did he claim through his father or mother? A Through his mother.
- Q Was her name Rebecca Box or Jones? A Yes sir.
- Q Wose maiden name was Rebecca Box or Bop, is that right? A Yes sir.
- Q And this was your great grandmother? A Yes sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. His neglect to make a proper registration of the names of all Choctaw Indians who appeared before him within the six months after the ratification of the treaty of 1830 to register under article fourteen caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, they were both taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians, so that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year; and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that Rebecca Box or Jones, or any other ancestor of yours having Choctaw blood, went before either of these two Commissions, that of 1837 or that of 1842, and claimed any benefits as Choctaw Indians under that article of that treaty? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi or Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was issued to only those Choctaw Indians who proved their rights under article fourteen and also proved that they had had land in Mississippi or Alabama in the old Choctaw Nation which the government had taken from them and sold.

- Q Do you speak the Choctaw language? A No sir, I know a little of it.
- Q You do not pretend to know it? A No sir.
- Q Have you any other evidence that you want to introduce at this time? A I have none with me, my uncle had some.

Jno A Weeks-----6

- Q But you have nothing yourself? A No sir.
Q Who is Mary A Sparks? A She was a Draper before she married.
Q What relation is she to you? A We are about second or third cousins.
Q She has been before the Commission to be identified as a Mississippi Choctaw, claiming through the same common ancestor through whom you claim? A Yes sir.
Q Do you know Louis J. Draper? A Yes sir.
Q Rebecca Fitzer? A No sir I dont know her.
Q Was this Rebecca Box the great grandmother also of Mary A. Sparks? A Yes sir, I think she was.
Q Do you want to have your case consolidated with her case and the cases of these other relatives claiming through Rebecca Box or Bop? A Yes sir.

The consolidated case of Mary A. Sparks, et al., M. C. R. 5735, is here referred to for the purpose of consolidation.

- Q Is there anything more you want to say now in support of this claim? A No, I reckon not, I dont know anything but what I have heard that she had Choctaw blood.
Q But you dont know how much? A No sir, only just what I have heard that she was one half or three quarters.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, blue eyes, medium fair complexion; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

- - - - -

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 17 day of September, 1902.

B. C. Jones
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

John A. Meeks,

New Hope, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5862
Rebecca Fitzer	M.C.R. 5752
Andrew Jackson Draper, et al.	M.C.R. 5863
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Poteet, et al.	M.C.R. 6208
Willis M. Meeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Rite, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

These applications were made under the provision of the act of Congress of June 28, 1898(30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Heeter Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Alanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Landis E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Plevins, Ira Plevins, Auza Plevins, Ardle Plevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellie Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant,

John A Meeks- 3

Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6198

COPY.

Muskogee, Indian Territory, November 30, 1904.

John A. Meeks,

New Hope, Arkansas,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 6198

For Identification as a Mississippi Choctaw.

Date

Name John A. Meeks,

Age 31 - Blood 1/16

Post Office, New Hope, Ark.

Father: Jesse A. Meeks. l.

Mother: Amanda " l.

Claims through mother
wife -

Sallie Meeks, l. w.

No claim for wife -

Children:

Walter Meeks. 5

claim for self
and child

Stenographer W. H. Martin.

Choctaw MCR 6199

Victoria Bleuins

See MCR 5735

MCR 6199

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

#6199.

In the matter of the application of Victoria Blevins for the identification of herself and her three minor children, Ira, Ausa, and Ardia Blevins, as Mississippi Choctaws.

No Attorney.

Victoria Blevins being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Victoria Blevins.
Q What is your age? A Twenty-five.
Q What is your post office address? A Slatington, Arkansas.
Q How long have you lived at Slatington? A A little over a year.
Q Where were you born? A Pike County, Arkansas.
Q Have you always lived in Arkansas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Jesse L. Meeks.
Q What is your mother's name? A Amanda Meeks.
Q Did you say Jesse L. or Jesse A.? A Jesse L.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q What is his name? A Augustus Blevins.
Q Do you make any claim for him? A No sir.
Q Give me the names of your children commencing with the oldest? A Ira Blevins.
Q How old is Ira? A Seven years old.
Q The next? A Ausa Blevins.
Q Girl? A No sir, boy.
Q How old? A Four years.
Q Next? A Ardia.
Q Girl? A No sir, boy.
Q How old? A One year old, a little over.
Q Is that all that you claim for? A Yes sir.
Q Is Augustus Blevins the father of these three children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application to the Dawes Commission for yourself and children under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Your three children are all boys are they not? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these three children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
A I dont know.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. This article you will remember was put into that treaty for the especial benefit of the Mississippi Choctaw Indians and their descendants, and is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q You understand the provisions of that article now dont you think in so far as it was put into the treaty to protect the interests of the Indians who stayed back in the old Choctaw

- Nation,- do you understand it well enough to claim under it do you think? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw, I mean your ancestor that you are all claiming through? A Rebecca Box I reckon.
- Q Did she have any other name besides Box? A Not that I know of.
- Q Did you ever hear she had the name of Bop? A No sir, that is just what I have heard them say.
- Q Was that her maiden name or married name? A Her maiden name I reckon.
- Q What was her husband's name? A Jones.
- Q Do you know the full name? A No sir, I dont know only just what I have heard them say.
- Q You do not remember the Christian name of her husband? A No sir.
- Q Who was Willis Jones? A My grandfather.
- Q Was he Rebecca Jones' son? A Yes sir.
- Q Now did Rebecca Jones live in Mississippi at any time? A Yes sir.
- Q How do you know? A I have heard the old folks say is all I know.
- Q She was what relation to you? A My great grandmother.
- Q And Willis Jones was your grandfather? A Yes sir.
- Q How old would Willis Jones be if living now? A I dont know.
- Q Did he live in Mississippi in 1830? A I dont know whether he did or not.
- Q Did his mother, Rebecca Jones, live in Mississippi in 1830? A I dont know.
- Q Are you able to state whether Rebecca Jones lived in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
- Q You are not able to say whether she lived there then and had Willis Jones or other children living with her there in 1830? A No sir.
- Q How old would Rebecca Box or Jones be if living now? A I dont know.
- Q When and where was she born? A I dont know.
- Q What portion of her life did she live in Mississippi? A I dont know that.
- Q Through which parent did she claim Choctaw blood? A I cant tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of ~~tem~~ within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I dont know that.

Victoria Blevins-----4

- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know.

The Choctaw Indians who stayed back there in that old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. His failure to make a complete registration of all the claimants who came before him within the six months from the ratification of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; because they were taken from them and sold by the government at its public land sales. This caused a great deal of complaint, and as a result of the complaint made Congress in 1837 by an act approved March 3rd of that year appointed a Commission to go to Mississippi and hear these claimants under article fourteen of that treaty. In 1842 by an act of Congress approved August 23rd of that year another Commission was appointed by Congress for the same purpose. These commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under that article of that treaty? A No sir, I did not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to those Indians who proved their claim under article fourteen and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Is Mary A Sparks a relative of yours? A Yes sir.
- Q She has been before the Commission has she not to be identified as a Mississippi Choctaw? A Yes sir, I think so, I dont know whether she has or not.
- Q She claims through the same common ancestor, Rebecca Box? A Yes sir.
- Q Would you like to have her case and the cases of all relatives who claim through the same common ancestor who have been before the Commission considered with your case? A Yes sir I reckon so.

The consolidated case of Mary A. Sparks, et al., M C R 5735, is here referred to for the purpose of consolidation.

- Q Have you any other evidence that you want to present now? A No sir.

Victoria Blevins-----5

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, dark hair, medium fair complexion, somewhat tanned by exposure to the sun. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 17 day of September, 1902.

W. A. Martin
B. C. Jones
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

Victoria Blevins,

Stuttgart, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Hooks, et al.	M.C.R. 6139
Sarah P. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6332
Ada McClurge, et al.	M.C.R. 6233
John A. Hooks, et al.	M.C.R. 6198
Martha Potest, et al.	M.C.R. 6208
Willis M. Hooks, et al.	M.C.R. 6208
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Hooks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Hooks, et al.	M.C.R. 6212
Nevada Hooks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

Victoria Elevins, --3

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Otton Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse E. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Audie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Elevins, Ira Elevins, Ausa Elevins, Ardie Elevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant,

Victoria Blovins, —3

Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora H. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6199

COPY.

Muskogee, Indian Territory, November 30, 1904.

Viotoria Blevins,

Slatington, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

I. B. Neccles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name *Victoria Blewins*Age *25.*Blood *"M.*Post Office, *Stalington, Ark.*Father: *Jose L. Meers. l*Mother: *Amanda " l.*Claims through *mother.**husband**Augustus Blewins, l. w.**No claim for husband &.*

Children:

*Ira Blewins. 7**Aiza " M. 4**Ar dia " M. 1**Claims for self
and children.*

Stenographer

H. A. Martin

Choctaw MCR 6200

Amanda V. Pate

See MCR 5735

MCR 6200

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

#6200.

In the matter of the application of Amanda V. Pate for the identification of herself and her two minor children, Otho W., and Vesta B. Pate, as Mississippi Choctaws.

No Attorney.

Amanda V. Pate being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Amanda V. Pate.
Q What is your age? A Thirty-three.
Q What is your post office address? A New Hope, Arkansas.
Q How long have you lived in Arkansas? A Been living there all my life.
Q How long in New Hope? A I have lived about three or four miles from there.
Q What is your father's name? A Allen Meeks.
Q Is your mother living? A No sir.
Q What was her name? A Nancy E. Meeks.
Q Is your father living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I cant tell you.
Q Are you married? A Yes sir, I am a widow.
Q Have you any children you want to make application for? A Yes sir.
Q What was your husband's name? A J. G. Pate.
Q He is dead? A Yes sir.
Q Did he have any Choctaw blood? A No sir, he was a white man.
Q How many children have you? A Two.
Q What is the name of the oldest? A Otho W. Pate.
Q How old is he? A Eight yearsold in July.
Q What is the name of the next? A Vesta B. Pate.
Q That is a girl? A Yes sir.
Q How old is Vesta? A Four years old last April.
Q You claim for yourself and these children do you? A Yes sir.
Q Is J. G. Pate the father of these two children? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't understand that.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir I reckon so, I did not understand the question.
- Q You know what a treaty is do you? A O, yes.
- Q And an article is a part of the treaty, a section of it? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. This treaty was signed on the 27th day of September, 1830, and was ratified later on, on the 24th day of February, 1831. The object of the treaty was to remove all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, and therefore in order to protect the interests of those Indians who remained back in the old Choctaw Nation article fourteen was put into the treaty. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article of that treaty? A I can't tell you.
- Q What is the name of your ancestor whom you claim your right through to be identified as a Mississippi Choctaw? A That is my great grandfather, Rebecca Box, and my grandfather, Willis Jones.

Amanda V Pate-----3

- Q Whom did Rebecca Box marry? A Jones-
- Q Do you know his full name? A I cant tell you; I have heard it but I cant tell you to save my life.
- Q Was he a Choctaw or a white man? A I cant tell you.
- Q How much Choctaw blood did she have? A They claimed I believe one half.
- Q For Rebecca Box? A Yes sir I think so.
- Q Did she live in Mississippi? A Yes sir, thats what my parents always told me, I have heard of her all my life; I dont know anything but what I have heard my people say, I am young you know.
- Q Did she live in Mississippi in 1830? A I cant tell you, I believe she did though.
- Q But you do not know? A No sir.
- Q Do you know whether she lived there then and had a family living with her at that time or was she the head of a family in the old Choctaw Nation in 1830? A I cant tell you.
- Q How old would she be if living now? A I dont know.
- Q When and where was she born? A I dont know.
- Q When and where did she die? A She died in Arkansas and was buried in about two miles of where I live.
- Q When? A She died before I was born, I dont know when.
- Q Did she have a Choctaw Indian name or speak the Choctaw language? A I cant tell you.
- Q Did any of your Choctaw ancestors own any land or claim any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A They owned land there, when I dont know.
- Q Did they get it from the government? A I dont know, I cant tell you a thing on earth but what I have heard, I have heard my father speak of their land there, their home there, but how they owned it I dont know.
- Q You dont know whether they got it from the government or bought it? A I dont know, no sir.
- Q Where was it located? A I have heard him say but I cant tell you now.
- Q What became of it? A I dont know that either.
- Q Did you ever see a deed or patent of it? A No sir, never did.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I cant tell you.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, at his office or agency in Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A Well, I dont know, they might have started with them but they did not come all the way if the way if they did.
- Q Did they start with them? A I have heard my father say that they started with them but they never got any further than Arkansas, come there and stopped is all I know about it.

Those Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Cho-

taw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register", and his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions appointed by Congress, either the one of 1837 or the one of 1842, and claimed any benefits as Choctaw Indian under article fourteen of the treaty of 1830? A I dont know.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it also further appeared that his land which he had occupied in the old Choctaw Nation had been taken from him by the government and sold, he might be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate would be given to him to that effect; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I cant tell you.
Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any other evidence that you want to present now to the Commission, or witnesses you want to call? A No sir, I dont know that I have, of course my brothers and sisters are here with me.
Q What relation is Mary A. Sparks to you? A A cousin of mine.
Q Would you like to have your case consolidated with hers and these other relatives who have been before the Commission claiming through the same common ancestor through whom you claim? A Yes sir.

The consolidated case of Mary A. Sparks, et al., H C R 5735, is here referred to for the purpose of consolidation.

- Q Is there anything further you want to say now? A No sir, I reckon not.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has very dark hair, nearly black, black eyes, medium fair complexion; she does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Amanda V Pato-----5

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of August, 1908, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 17 day of September, 1908.

B. C. Jones
Notary Public.

COPY

Muskogee, Indian Territory, January 7, 1903.

Amanda V. Pate,

New Hope, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 5139
Sarah F. Young, et al.,	" 5140
Dannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Petect, et al.,	" 6208
Willis M. Meeks, et al.,	" 6206
Victoria Blovens, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John M. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auzs Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 30, 1904.

Amanda V. Pate,

New Hope, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

Commissioner in Charge.

No. ...

C

For Identification as a Mississippi Choctaw.

Date

Name *Amanda V. Pate.*

Age *33* — Blood *1/16*

Post Office, *New Hope, Ark.*

Father: *Allen Meeks.* *P.*

Mother: *Nancy E.* " *d*

Claims through *mother* —
husband
J. S. Pate - (d). W.

Children:

Otho W. Pate. - 8
Vesta B. " F. 4

*Claims for self
and children*

Stenographer

W. W. Martin

Choctaw MCR 6201

Mary Ann Fant

See MCR 5735

MCR 6201

#6801.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Mary Ann Fant for the identification of herself and her nine minor children, John Henry, Sina A., Eddie, Sorildy, Luella, Alvie, Willis, Carlis and Ora M. Fant, as Mississippi Choctaws.

No appearances.

Mary Ann Fant being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Ann Fant.
Q How old are you? A Forty-two.
Q What is your post office address? A New Hope, Arkansas.
Q How long have you lived in Arkansas? A Very nearly all my life.
Q How long have you lived in New Hope? A About all my life.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Willis Jones.
Q What is your mother's name? A Mary Jones.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Do you know when and where your father and mother were married? A No, sir.
Q Have you the proof of their marriage with you? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Fant.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian or a white man? A He is a white man.
Q Do you make any claim for him? A No, just me and the children.
Q What is the name of your oldest child? A John Henry Fant.
Q How old is he? A Twenty years old.
Q The next? A Sina A., 18 years old.
Q The next? A Eddie, 16 years old.
Q The next? A Sorildy, 15 years old.
Q The next? A Luella, 13 years old.
Q The next? A Alvie, 10 years old.
Q The next? A Willis, 8 years old.

- Q The next? A Carlis, three years old.
- Q The next? A Ora M., three months old. The oldest is Robert Huston, not married.
- Q Is William Fant the father of these children? A Yes, sir.
- Q Are you the mother of all of them? A Yes, sir.
- Q Are you and your husband living together and are all of these children living with you? A Yes, sir.
- Q Is your name and the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q You have no land in the Choctaw Nation have you? A No, sir.
- Q If you were enrolled as a Choctaw Indian you would not be here to-day would you? A I guess not.
- Q Have you for yourself or for your minor children ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation before this time? A No, sir.
- Q Have you for yourself or your minor children ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of June 10, 1896? A No, sir.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q You now came before the Commission claiming rights under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article do you? A I reckon I do.

The fourteenth article of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand the object of that article do you? A Yes, sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim? A Rebecca Box.

- Q Did she have any other name than Box? A I don't know.
- Q What is the name of her husband? A Andrew Jones.
- Q She married a Jones did she? A Yes, sir.
- Q You never heard of any John Jones that she married did you? A No, sir.
- Q Some of the applicants who have appeared here claiming through Rebecca Book or Bos, said she married Johnnie Jones. Now about Johnnie Jones being Andrew Jones? A I don't know.
- Q You said Andrew Jones? A Yes, sir.
- Q You don't know whether Johnnie Jones and Andrew Jones are the same person? A No, sir, I don't.
- Q You know that she married a Jones, a white man? A I don't know only what I have heard them say--I was small.
- Q Do you know whether Rebecca Box lived in Mississippi or Alabama in 1830? A No, sir.
- Q Did you ever hear that she lived in Mississippi or Alabama in 1830 and was the head of a family there at that time? A I don't know.
- Q You don't know anything about your ancestor, Rebecca Jones or Rebecca Box, do you? A No, sir.
- Q What relation was she to you? A My grand-mother.
- Q You claim through your father? A Yes, sir.
- Q Was your father in Mississippi or Alabama in 1830? A In Alabama I reckon.
- Q How old would your father be if living now? A I don't know how old he would be.
- Q When did he die? A The year the war ended, in 1865.
- Q How do you know about how old he was when he died? A No, sir.
- Q He was a middle aged man was he? A Yes, sir.
- Q About 40 or 45 years old? A I guess so.
- Q How did you ever hear that he lived in Mississippi or Alabama in 1830? A Yes, sir, he lived there at that time I reckon.
- Q How where did he live in 1830? A I declare I don't know--I was small.
- Q Well he did live in Mississippi? A Yes, sir.
- Q And you think he lived there in 1830? A Yes, sir.
- Q And was living with his mother, Rebecca Box? A You asked me that once.
- Q Well I am asking you again? A Yes, sir.
- Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go before Colonel Ward and tell him that they wanted to stay and take land in the old Choctaw Nation and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from east of the Mississippi river in the old Choctaw Nation to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840? A I don't know.
- Q Did your Choctaw ancestors own any land or claim any benefits at any time under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed back there east of the Mississippi river after the treaty was ratified were required if they wanted to take advantage of article fourteen, to go within six months after the treaty was ratified before Colonel Ward and

tell him that they wanted to stay there and take land and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to register. His failure to make a registration of these names caused a number of Choctaws to lose both their land and improvements. They were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd, of that year, Congress appointed a Commission to go to Mississippi and investigate these claims. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir, I don't
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select vacant government land in either of the states Mississippi, Alabama, Louisiana or Arkansas? A I don't know that either.

This scrip was issued under act of Congress approved August 23rd, 1842, to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Is there anything further you want to say in support of your application? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q What relation is Mary A. Sparks to you? A Cousin.
- Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you wish her case considered with yours, together with other applicants claiming through the same common Choctaw ancestor? A Yes, sir.

The case of Mary A. Sparks, et al., M.C.R. 5735, is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark black hair, dark complexion, dark brown eyes; does not speak the Choctaw language, and has no knowledge of any active compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause taken on August 27th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date

Subscribed and sworn to before me this 15 day of September, 1902.

R. B. Eisenberg
R. B. Jones
Notary Public.

COPY.

Muskogee, Indian Territory, January 7, 1903.

Mary Ann Fant,
New Hope, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Cheetaws

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5724
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6008
Amanda A. Meeks, et al.,	" 6139
Sarah E. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Poteet, et al.,	" 6208
Willis M. Meeks, et al.,	" 6206
Viotoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming right in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen, Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John E. Draper, Lettie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Pottet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora W. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

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office, and that at the expiration of said time the papers in the
case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Bimby
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 30, 1904.

Mary Ann Fant,

New Hope, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

SIGNED

T. B. Neceles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name Mary Ann Tant.

Age 42 - Blood 1/8

Post Office, New Hope, Ark -

Father: Willis Jones, d

Mother: Mary " l

Claims through father —
husband William Tant, l. w.

No claim for husband

Children:

John Henry Tant, 20

Sina A. " 18

Eddie " M. 16

Dorildy " F. 15

Luella " 12

Alvie — " M 10

Willis " 8

Carlis — " 3

Ora May F. " 3 m.

Claims for Ora & children

Stenographer R. B. Eisinger

Choctaw MCR 6202

Cassandra Lamb

See MCR 6123

MCR 6202

#6202.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Cassandra Lamb for the identification of herself and her minor child, Archibald Lamb, as Mississippi Cheetaws.

No appearances.

Cassandra Lamb being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Cassandra Lamb.
Q What is your age? A About 55-- or I was born about '55.
Q How old are you now? A I have not counted it up.
Q You would be about 47 if you were born in 1855? A Yes.
Q What is your post office address? A Foss.
Q What state? A Oklahoma Territory.
Q How long have you lived in Foss? A We moved there on Christmas about three years ago.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Louisiana.
Q In what part of Louisiana? A Bienville Parish.
Q How long did you live in Louisiana? A From the time I was born until two years-- the war had been going on two years--about 1863; then we came to Texas.
Q Then from Texas you went to Oklahoma? A Yes.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A James Madison Pickett.
Q What was your mother's name? A Caroline Eliza Thomas before she was married.
Q Through which parent do you claim your Cheetaw blood? A My mother.
Q How much Cheetaw blood do you claim? A She got it from her father and I think he was one-quarter; I don't know how much I claim.
Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by either the Cheetaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Dan A. Lamb.
Q Is he living? A Yes, sir.
Q Is he a Cheetaw Indian? A No, sir, he is a white man.
Q You make no claim for him? A No, sir.
Q Have you any children you want to apply for? A I have two chil-

- dren, I don't know whether I can apply for only one.
- Q Is that one under age? A Yes, sir.
- Q Is the other one ever age? A Yes, sir.
- Q Give the name of the one under age? A Archibald Lamb.
- Q How old is he? A 13 years old.
- Q You make application for yourself and this minor child? A Yes.
- Q Is Dan A. Lamb the father of this child? A Yes, sir.
- Q Are you and your husband living together as husband and wife and is this child living with you? A Yes, sir.
- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made an application for yourself and your son for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Never did before.
- Q Have you ever made an application for yourself and son for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you and your son ever been admitted to Choctaw citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q This is the first application for citizenship in the Choctaw Nation you have ever made to any authority whatever? A Yes, sir.
- Q You now come before the Commission to identify yourself and child as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September in the year 1830. The object of this treaty was to get the consent of all the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Now I have quoted to you article fourteen of the treaty of 1830; that is the article under which you are now making this claim. Do you think you understand it well enough to make your claim under it? A I don't know.

If the Choctaws stayed in Mississippi or Alabama in the old Choctaw Nation and complied with certain conditions in that article, which were that they should go, within six months after the treaty was ratified, before the Indian Agent there and tell him that they wanted to stay, take lands there and become citizens of the states, they might afterwards come to the Choctaw Nation, Indian Territory and have rights of citizens there.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir, I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim your rights to be identified as a Mississippi Choctaw? A My grand-father.
- Q What was his name? A Phil Thomas.
- Q He was your grand-father? A Yes, sir.
- Q How much Choctaw blood did Phil Thomas have? A About one-fourth.
- Q Do you know whether his wife had any Choctaw blood? A I don't know.
- Q What was his wife's name? A Nancy.
- Q What was her maiden name? A Pickett.
- Q You don't know whether she was a white woman or not? A She had no Indian blood. I think she was white.
- Q How did Phil Thomas, your grand-father, live in Mississippi in 1830? A No, I don't think he lived there in 1830; he lived in Alabama.
- Q Did he live in what was known as the old Choctaw Nation in Alabama and did he have a family there? A He lived in Reaneke--I don't know what County.
- Q Did he live there in 1830? A Yes, sir.
- Q Was he the head of a family in Alabama in 1830? A Yes, sir.
- Q Do you know how many children he had living with him in 1830? A I don't know how many he had--he had my mother--I guess he had three or four.
- Q Your mother was living in 1830? A Yes, sir.
- Q How old would she be if living now? A I don't know; I would have to count it up; she was born in 1825 or '26.
- Q And she was born in Alabama? A Yes, sir.
- Q Then you know that your mother was born in 1826 or thereabouts in the old Choctaw Nation in Alabama, and she was living with your grand-father, Phil Thomas, in Alabama, in 1830? A Yes, sir.
- Q Do you know whether your grand-father, Phil Thomas, owned any improvements on land in the old Choctaw Nation in Alabama in 1830? A No, sir, I don't know.
- Q Did he own any in Mississippi? A I don't know.
- Q Did he, within six months after the ratification of the treaty of 1830, go before the United States Indian Agent, Colonel Ward, and tell him that he wanted to stay in the old Choctaw Nation, to take land there, and become a citizen of the states? A No, sir, I never heard of it.
- Q Did he or any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian

- Territory between the years 1833 and 1838 or 1840? A No, sir.
- Q Did he or any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in either Alabama or Mississippi under article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who stayed back there after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go before Colonel Ward, the Indian Agent there, and tell him that they wanted to stay and take land in the old Choctaw Nation and become citizens of the states. They were required to do this within six months after the treaty was ratified. A good many Choctaw Indians did this whose names Colonel Ward failed to put on his list, known as Ward's Register. His failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their lands and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd, of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before any of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I never heard of it.
- Q Did any of your Choctaw ancestors receive any scrip from the government under act of Congress approved August 23rd, 1842, which entitled them to select vacant government land in either Mississippi, Alabama, Louisiana or Arkansas? A I never heard of it.

This scrip was given to Indians who proved their claim under article fourteen of the treaty of Dancing Rabbit Creek, and also proved that they had land in Mississippi which the government had taken from them and sold.

- Q What relation is Micajah A. Pickett to you? A Brother.
- Q He appeared before the Commission August 5th for identification as a Mississippi Choctaw? A He did.
- Q Do you want his case and yours consolidated together as claiming under the same common Choctaw ancestor? A Yes, sir.

The case of Micajah A. Pickett, M.C.R. 8123 is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any other evidence that you wish to present at this time? A I don't know of anything.
- Q When was your father born? A Well I don't know, he was older than mother.
- Q Do you know how old your mother was when she was married? A She was either 13 or 14 years old.
- Q Where was your mother born? A She was born in Alabama.

- Q You don't know what County do you? A No, sir, I don't know much about Alabama.
- Q Where was Phil Thomas, your grand-father, born? A I don't know in Mississippi or Alabama.
- Q Where did he die? A I think he died in Alabama.
- Q Did he get his Choctaw blood through his father or his mother? A I think his mother.
- Q Do you know the name of any of your Choctaw ancestors further back than Phil Thomas? A No, sir.
- Q Was your mother ever in Indian Territory? A I don't know sir; she never was in this part of the Territory.
- Q Is there anything more you want to say now in support of your claim? A I would not know what to say if I did. I guess I could not apply for my married daughter?

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark hair, dark brown eyes, medium dark complexion, does not speak or understand the Choctaw language and has no knowledge of any ~~native~~ compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

R. B. Eisenberg, after being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the ~~above~~ proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on the 27th day of August, 1902.

R. B. Eisenberg

Sworn and subscribed to before me this 15 day of September, 1902.

B. C. Jones

Notary Public.

COPY

Muskogee, Indian Territory, December 29, 1902.

Cassandra Lamb,

Foss, Oklahoma.

Dear madam:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Micajah A. Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Micajah A. Pickett, et al.,	M.C.R. 6123
Mary Catheran Ramsey, et al.,	M.C.R. 6204
George F. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Micajah A. Pickett, Virgil Marion Pickett, Barbara Ellen Pickett, Hake Pickett, Mary Catheran Ramsey, Stella I. Ramsey, Carl Ramsey, Glenn Ramsey, Horace Ramsey, Elder Ramsey, Eugene Ramsey, George F. Pickett, John Micajah Pickett, Caroline Eliza Brown,

Cassandra Lamb and Archibald Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tamc Bixby.

Acting Chairman.

Registered.

M.C.R. 6202

COPY.

Muskogee, Indian Territory, March 14, 1903.

Cassandra Lamb,

Pose, Oklahoma Territory.

Dear Madam:

You are hereby notified that on the 4th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Micajah A. Pickett, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

Ed

Tamc Birby
Chairman.

No. 307

For Identification as a Mississippi Choctaw.

Date

Name Cassandra Lamb

Age 47 - Blood don't know,

Post Office, Foss, Okla.

Father: James M. Pierce d

Mother: Caroline E. " d

Claims through mother -
husband

Can. A. Lamb, l. w.

No claim for husband.

Children:

Archibald Lamb, - 13

Claims for self &
1 minor

Stenographer R. B. Eisenberg

Choctaw MCR 6203

George F. Pickett

See MCR 6123

MCR 6203

#6203.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of George F. Pickett for the identification of himself and his minor child, John Micajah Pickett, as Mississippi Choctaws.

No appearances.

George F. Pickett being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George F. Pickett.
Q What is your age? A Twenty-one.
Q Are you married? A Yes, sir.
Q What is your post office address? A Busch.
Q What state? A Oklahoma Territory.
Q How long have you lived in Oklahoma Territory? A About three years.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Texas.
Q Where in Texas? A Hamilton County.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Micajah A. Pickett.
Q He made application before the Commission to be identified as a Mississippi Choctaw on August 5th last? A I think it was about August 5th.
Q You want to have his case and yours consolidated together do you not? A Yes, sir.

Case of Micajah A. Pickett, et al., M.C.R. 6123, is here referred to for the purpose of consolidation.

- Q What was your mother's name? A Nancy E. Pickett.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know.
Q Do you know when and where your father and mother were married? A In Texas, but I don't know what County.
Q Do you know what date? A I don't remember.
Q Were they married by a minister under a marriage license? A Yes.
Q Have you the proof of their marriage with you? A No, sir. We

wrote on for their certificate but it was burnt; the court house was burnt and their certificate was burnt.

You will be allowed ten days in which to furnish proof of the marriage of your father and mother.

- Q What is your wife's name? A Maggie Lee Pickett.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian? A Not that I know of.
Q Do you make any claim for her? A No, sir.
Q Have you any children for whom you wish to make application? A Yes, sir, one.
Q What is the name of that child? A John Micajah Pickett.
Q How old is John? A About three months.
Q You make application then for yourself and this child? A Yes, sir.
Q Have you the proof of your marriage with Maggie Lee Pickett? A Not now.
Q When and where were you married? A In Roger Mills County, Oklahoma. We were married on the 18th of August, 1901.
Q By a minister? A Yes, sir.
Q Do you think you can produce that evidence within 10 days? A It might take 25 or 30 days.
Q Why does it require so much time? A I may get it here before that. A It will take 25 or 30 days.
Q You can write and get it within that time? A I will get it as quick as I can.
Q Is your name or the name of your child on any of the Choctaw tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for yourself and your child for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for yourself and your child for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you and your child ever been admitted to Choctaw citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in the Indian Territory? A No, sir.
Q Have you ever prior to this time, made application to either the Choctaw tribal authorities or the authorities of the United States? A No, sir.
Q You now come before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
Q Do you make your claim under the fourteenth article of the treaty of 1830? A Well I believe that is how we claim our rights.
Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September in the year 1830. The object of this treaty was to get the consent of all the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simply shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article well enough to claim under it? A Well I don't know.
- Q You understand what it was intended to do do you not? If they stayed back there in the old Choctaw Nation the Choctaw Indians had to comply with certain conditions in article fourteen. They were required to go before the agent and tell him that they wanted to stay and take land in the old Choctaw Nation and become citizens of the states. This they had to do within six months after the treaty was ratified. You understand that don't you? A Yes sir.

If they did that they had the right to stay there and later remove to the Choctaw Nation Indian Territory if they desired but could not share in the Choctaw annuities.

- Q How do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I do not.
- Q What is the name of your Choctaw ancestor through whom you now claim? A Phil Thomas.
- Q He was your great grand-father? A Yes.
- Q How much Choctaw blood did he have? A One-quarter.
- Q Did he live in Mississippi or Alabama? A In Alabama.
- Q In the old Choctaw Nation? A I don't know whether it was the old Choctaw Nation.
- Q Do you know in what place he lived in Alabama? A I don't.
- Q Did he live in Roanoke or any other place you can recall? A I don't know.
- Q Did your great grand-father, Phil Thomas, live there in the old Choctaw Nation in Alabama in 1830 and was he the head of a family at that time? A Yes, sir.
- Q You have heard so in the family have you? A Yes, sir.
- Q Who told you? A I heard my aunts and uncles and my father say so.

- Q How old would your great grand-father be if now living? A I don't know.
- Q When was he born and where? A I don't know.
- Q When and where did he die? A In Alabama but I don't know when.
- Q How old was he when he died? A I don't know.
- Q What was his wife's name? A Nancy I believe.
- Q What was her maiden name? A I don't know.
- Q Did she have any Choctaw blood or was she a white woman? A I think she was a white woman.
- Q Do you know when Phil Thomas was married? A No, sir.
- Q Do you know whether Phil Thomas got his Choctaw blood through his father or his mother? A I don't know.
- Q Did he speak the Choctaw language or have a Choctaw Indian name? A I don't know.
- Q Did he or any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go before Colonel Ward, the Indian Agent, and tell him they wanted to stay in the old Choctaw Nation, to take lands there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own land or claim any land in either Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed back east of the Mississippi river refusing to go to the Choctaw Nation Indian Territory were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go before Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to stay and take lands in the old Choctaw Nation and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to register. His neglect to make a registration of these Indians who were members of the Choctaw tribe and who went to his office caused a great many Choctaw Indians who had land and improvements to lose both their land and improvements, having been sold by the government at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved on March 3rd of that year a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits under that article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in either Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was given to Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had their land in Mississippi and Alabama taken from them by the government and sold.

- Q Is Cassandra Lamb a relative of yours? A Yes, sir.
Q What relation is she to you? A Aunt.
Q You would like to have her case and yours consolidated and considered together? A Yes, sir.
Q Do you speak or understand the Chectaw language? A No, sir.
Q Is there any other evidence or proof you desire to submit at this time? A Not that I know of.

Applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, brown hair, medium fair complexion, does not speak or understand the Chectaw language, and has no knowledge of any ~~native~~ compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause taken on the 27th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me on this 15 day of September, 1902.

B. C. Jones
Notary Public.

Miss. Choctaw 6203

Muskogee, Indian Territory, September 17, 1902.

George F. Pickett,
Busch, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between Geo. F. Pickett and Maggie Lee Crow, which you offer in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 29, 1902.

George F. Pickett,

Busch, Oklahoma.

Dear Sir:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Micajah A. Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Micajah A. Pickett, et al.,	M.C.R. 6123
Mary Catheran Ramsey, et al.,	M.C.R. 6204
George F. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Micajah A. Pickett, Virgil Marion Pickett, Barbara Ellen Pickett, Jake Pickett, Mary Catheran Ramsey, Stella I. Ramsey, Carl Ramsey, Glenn Ramsey, Horace Ramsey, Elder Ramsey, Eugene Ramsey, George F. Pickett, John Micajah Pickett, Caroline Eliza Brown,

Cassandra Lamb and Archibald Lamb as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with your arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, March 14, 1903.

George F. Pickett,

Busch, Oklahoma Territory.

Dear Sir:

You are hereby notified that on the 4th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Macajah A. Pickett, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

(163910)

Tame Dixey
Chairman.

No.

6408

For Identification as a Mississippi Choctaw.

Date

Name George F. Pickett

Age 21 — Blood Don't Know.

Post Office, Busch, Okla. —

Father: Micajah A. Pickett, l.

Mother: Nancy E. " l.

Claims through father —
wife — Maggie Lee Pickett, l.w.

No claim for wife —

Children:

John M. Pickett, 3 m.

Claim for self &
wife.

Stenographer R. B. Eversburg

Choctaw MCR 6204

Mary C. Ramsey

See MCR 6123

MCR 6204

#6204.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 27, 1902.

In the matter of the application of Mary Catheran Ramsey for the identification of herself and her six minor children, Stella I., Carl, Glenn, Herace, Eldor and Eugene Ramsey, as Mississippi Choctaws.

No appearances.

Mary Catheran Ramsey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Catheran Ramsey.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Busch.
Q Where is Busch? A In Oklahoma Territory.
Q How long have you lived at Busch? A About four years.
Q Where were you born? A Texas.
Q In what county? A I don't know exactly.
Q Did you always live in Texas until you went to Oklahoma? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Micajah Pickett.
Q What is your mother's name? A Nancy Ellen Pickett.
Q Do you claim your Choctaw blood through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q He appeared here on August 5th, 1902, did he not? A Yes, sir.
Q Do you wish his case considered with yours, together with other relatives claiming through the same common ancestor? A Yes, sir.

The case of Micajah A. Pickett, M.C.R. 6123 is here referred to for the purpose of consolidation.

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Have you the proof of the marriage of your father and mother with you? A Not now.
Q Will you introduce it or will it be introduced in your father's evidence? A I can introduce it I guess.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Ramsey.

- Q Is he living? A Yes, sir.
- Q Is he a Choctaw Indian or a white man? A He is a white man.
- Q Do you make any claim for him? A No, sir.
- Q Have you any minor children for whom you wish to make application? A Yes, six.
- Q What is the name of the oldest? A Stella I., girl, 9 years old.
- Q What is the next? A Carl, boy, age 6 years.
- Q The next? A Glenn, boy, age 5 years.
- Q The next? A Horace, boy, age 3 years.
- Q The next? A Elder, age 2 years.
- Q The next? A Eugene, boy, age 3 months.
- Q You claim for yourself and these children? A Yes, sir.
- Q Is William Ramsey the father of these children? A Yes, sir.
- Q Are you and your husband living together and are these children all living with you? A Yes, sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for yourself or for any of your children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for yourself or for any of your children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you and your children ever been admitted to Choctaw citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q This is the first application for citizenship in the Choctaw Nation you have ever made to any authority whatever? A Yes, sir.
- Q You now come before the commission to identify yourself and your children as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article do you? A Yes, sir.
- Q You understand that the fourteenth article was put in the treaty of 1830 for the special benefit of those Indians who stayed back in the old Choctaw Nation at the time of the removal of the Choctaw Indians to the Choctaw Nation Indian Territory? A Yes, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this

treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't know.
- Q What is the name of the Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Phil Thomas.
- Q What relation is Phil Thomas to you? A Great grand-father.
- Q What relation is George F. Pickett to you? A My brother.
- Q What relation is Cassandra Lamb to you? A My aunt.
- Q You want their cases considered together with yours? A Yes, sir.
- Q How much Choctaw blood did your great grand-father, Phil Thomas, have? A I don't know.
- Q Did he live in the old Choctaw Nation in Mississippi? A No, sir.
- Q Did he live in Alabama? A Yes, sir.
- Q Where in Alabama? A I don't know.
- Q Did he live in the old Choctaw Nation in Alabama near the western boundary line between there and Mississippi? A I don't know.
- Q Do you know whether he lived there in Alabama in 1830? A I don't know.
- Q Do you know whether Phil Thomas lived in Alabama in the old Choctaw Nation and had children there--or in other words, was he the head of a family? A Yes, sir, if he lived there he had children at that time.
- Q Well he lived in Alabama at that time? A Yes, sir, I have heard he did.
- Q Don't you know whether it was in the old Choctaw Nation? A I do not.
- Q How old would he be if living now? A I don't know.
- Q Can you give the names of any of his children who were living there then? A None except my grand-mother.
- Q What was her name? A Caroline E. Thomas.
- Q When and where was she born? A In '25 or '26 I think.
- Q In Alabama? A Yes, I think so.
- Q So that Phil Thomas had at least that daughter living with him in 1830? A Yes, sir.
- Q What was his wife's name? A Nancy Pickett.
- Q Was she a white woman? A I guess she was.
- Q Did Phil Thomas or an ancestor of yours own any land or claim any land east of the Mississippi river in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I knew of.
- Q Did any of your ancestors, within six months of the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to stay and take land in the old Choctaw Nation and become citizens of the states? A Not that I knew of.
- Q Did any of your ancestors own any improvements on land east of the Mississippi river in the old Choctaw Nation in 1830? A I do not know.

- Q Do you know whether any of your Choctaw ancestors went from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation were required, if they wanted to take advantage of the provisions of Article fourteen of the treaty of 1830, to go before Colonel Ward, within six months of the ratification of the treaty, and tell him that they wanted to stay there and take land and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put on his list, known as Ward's Register. His failure to do this caused a number of Indians who had land in Mississippi upon which they had improvements to lose both their lands and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under article fourteen of the treaty of 1830? A Not that I knew of.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which would entitle them to select vacant government land in either of the states of Mississippi, Alabama, Louisiana or Arkansas? A I do not know.

By an act of Congress approved August 23, 1842, scrip was issued to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any other evidence you want to introduce at this time? A No, sir.
- Q Is there anything further you wish to say in support of your application? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, medium fair complexion; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

--5--

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause taken on the 27th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me on this 15 day of September, 1902.

B. B. Jones
Notary Public.

Muskogee, Indian Territory, December 29, 1902.

Mary C. Ramsey,
Busch, Oklahoma.

Dear Madam:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Micajah A. Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Micajah A. Pickett, et al.,	M.C.R. 6123
Mary Catheran Ramsey, et al.,	M.C.R. 6204
George F. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Micajah A. Pickett, Virgil Marion Pickett, Barbara Ellen Pickett, Jake Pickett, Mary Catheran Ramsey, Stella I. Ramsey, Carl Ramsey, Glenn Ramsey, Horace Ramsey, Elder Ramsey, Eugene Ramsey, George F. Pickett, John Micajah Pickett, Caroline Eliza Brown,

Cassandra Lamb and Archibald Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dixby.
Acting Chairman.

Registered.

H.C.R. 6304

COPY.

Muskogee, Indian Territory, March 14, 1903.

Mary C. Ramsey,

Busch, Oklahoma Territory.

Dear Madam:

You are hereby notified that on the 4th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Micajah A. Pickett, et al., of which decision you were advised by registered mail on the 28th day of December, 1902.

Respectfully,

Fame Birby
Chairman.

No. 6204

For Identification as a Mississippi Choctaw.

Date

Name Mary C. Ramsey —

Age 27

Blood Not known,

Post Office, Busch, Okla. —

Father: Micajah A. Pickett l.

Mother: Nancy E. " l.

Claims through father ~~mother~~
husband.

William Ramsey, l. w.

No claim for husband

Children:

Stella L. Ramsey. 9

Carle " 6

Glenn " M. 5

Horace " 3

Elder " 2

Eugene " 3 m.

Claims for self &

6 minors

Stenographer R. B. Eienberg

Choctaw MCR 6205

Caroline E. Brown

See MCR 6123

MCR 6205

#6205.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Caroline Eliza Brown
for the identification of herself as a Mississippi Choctaw.

No appearances.

Caroline Eliza Brown being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Caroline Eliza Brown.
Q What is your age? A 18.
Q What is your post office address? A Bush,
Q What state? A Oklahoma Territory.
Q How long have you lived there? A Two years.
Q Where were you born? A In Hamilton County.
Q In Texas? A Yes.
Q How long did you live in Texas before you went to Oklahoma? A
I don't know.
Q Most of your life? A Yes, sir.
Q You have always lived in Texas until you went to Oklahoma? A Yes.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Micajah A. Pickett.
Q What is your mother's name? A Nancy Ellen Pickett.
Q You claim your Choctaw blood through your father? A Yes, sir.
Q How much do you claim? A I don't know.
Q Has your father been before the Commission to be identified as
a Mississippi Choctaw? A Yes, sir.
Q Would you like to have your case considered with his? A Yes, sir.

Case of Micajah A. Pickett, et al., M.C.R. 6123 is here
referred to for the purpose of consolidation.

- Q When and where were your father and mother married? A In Pauls
County, Texas.
Q What date? A I don't know.
Q By a minister under a license? A Yes, sir.
Q Have you the proof of their marriage with you? A No, sir.
Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw tri-
bal authorities or the authorities of the United States in the

- Indian Territory? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Jack Brown.
- Q Is he living? A Yes, sir.
- Q He is a Choctaw Indian is he? A No, sir.
- Q Is he a white man? A Yes, sir.
- Q Do you make any claim for him? A I do not?
- Q You don't make any claim for him as having Choctaw blood? A No, sir.
- Q Do you make this claim for yourself alone? A Yes, sir.
- Q You have no children you want to make application for? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for yourself for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to Choctaw citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think I do.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Phil Thomas.
- Q What relation is Phil Thomas to you? A My great grand-father.
- Q How much Choctaw blood did he have? A I don't know.
- Q What is the name of his wife? A Nancy Pickett.

- Q Was she a white woman? A I think so.
- Q Was your great grand-father living in Mississippi in 1830? A That is what I heard them say.
- Q In Mississippi or Alabama? A He was living in Alabama I think.
- Q In 1830, 72 years ago? A Yes, sir.
- Q Who told you he lived there in 1830? A I heard my father talk about it.
- Q Did he have any children living with him at that time? A I don't know, except my grand-mother.
- Q What was her name? A Caroline Thomas.
- Q Whom did she marry? A James Madison Pickett.
- Q She was born where? A In Alabama.
- Q What date, do you remember? A No, sir.
- Q Was she born before 1830? A I don't know.
- Q Did Phil Thomas, your great grand-father, have a Choctaw name or speak the Choctaw language? A I don't know.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A In Alabama.
- Q Do you know when? A No, sir.
- Q Do you know how old he was when he died? A No, sir.
- Q How old would he be if living now? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation with the other Indians to the Choctaw Nation Indian Territory between the years 1833, 1838 and 1840? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the Indian Agent, Colonel Ward, and tell him that they wanted to remain in the old Choctaw Nation, take lands there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know.
- Q Did they own or claim any land in Mississippi or Alabama? A I don't know.

The Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go before Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay and take land in the old Choctaw Nation and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put on his list, known as Ward's Register. His failure to do this caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their lands and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year, which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either

of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

Act of Congress, approved August 23, 1842, provided that if Choctaw Indians proved their claim under Article fourteen of the treaty of Dancing Rabbit Creek, and if it also further appeared that they had lands taken from them and sold by the government, they should be issued scrip which entitled them to select vacant government land in either of the states Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your ancestors receive any of this scrip from the government? A I don't know.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further that you wish to testify to that has not been drawn out in the examination? A No, sir.
- Q You wish your case considered with that of Micajah A. Pickett, Cassandra Lamb, George F. Pickett and Mary Catheran Ramsey do you not? A Yes, sir.
- Q They all claim through the same common ancestor, Phil Thomas? A Yes, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; very dark brown hair, eyes dark brown; has no knowledge of the Choctaw language, and has no knowledge of any ~~action~~ compliance on the part of her ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on August 27, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public.

COPY

Muskogee, Indian Territory, December 29, 1902.

Caroline H. Brown,
Busch, Oklahoma.

Dear Madam:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Micajah A. Pickett, et al., embracing the following applications for identification as Mississippi Choctaws:

Micajah A. Pickett, et al.,	M.C.R. 6123
Mary Catheran Ramsey, et al.,	M.C.R. 6204
George F. Pickett, et al.,	M.C.R. 6203
Caroline Eliza Brown,	M.C.R. 6205
Cassandra Lamb, et al.,	M.C.R. 6202

These applications were made under the provision of the act of Congress of June 26, 1895 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Micajah A. Pickett, Virgil Marion Pickett, Barbara Ellen Pickett, Jake Pickett, Mary Catheran Ramsey, Stella I. Ramsey, Carl Ramsey, Glenn Ramsey, Horace Ramsey, Elder Ramsey, Eugene Ramsey,

George F. Pickett, John Micajah Pickett, Caroline Eliza Brown, Cassandra Lamb and Archibald Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixie
Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6205

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1903.

Caroline E. Brown,

Busch, Oklahoma Territory.

Dear Madam:

You are hereby notified that on the 4th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Micajah A. Pickett, et al., of which decision you were advised by registered mail on the 28th day of December, 1902.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Caroline E. Brown*

Age

18

Blood

Don't know

Post Office,

*Burch, Okla*Father: *Micajah A. Pickett, l.*Mother: *Nancy E. " l.*Claims through *father* - -
husband -*Jack Brown, l. w.**No claim for husband.*~~Children:~~*Claims for self
alone*Stenographer *R. B. Euenberg*

6205

file

COMMISSION TO THE ...

FILED

APR 14 1903



CHAIRMAN



~~4-1-10~~
M.C. 100-

RETURN TO WRITER. UNCLAIMED

RETURN TO WRITER. UNCLAIMED

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Caroline D. Brown,

Buckingham, Oklahoma Territory.

Choctaw MCR 6206

Willis M. Meeks

See MCR 5735

MCR 6206

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Willis M. Weeks for the identification of himself and his three minor children, Clifford, Warner L., and Gracie May Weeks, as Mississippi Choctaws.

No appearances.

Willis M. Weeks being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Willis M. Weeks.
- Q What is your age? A Twenty-seven.
- Q What is your post office address? A Slatington, Arkansas.
- Q How long have you lived in Arkansas? A All my life.
- Q How long have you lived in Slatington? A About 18 months.
- Q Where did you live before that? A Three years before that I lived in Louisiana and four years in Indian Territory.
- Q How long did you live in Arkansas before you went to either Louisiana or Indian Territory? A I was 19 when I went to Indian Territory and lived there four years.
- Q Then you went where? A To Louisiana.
- Q And stayed there? A Three years.
- Q And then went where? A To Slatington and have lived there since.
- Q Is your father living? A Yes, sir.
- Q Is your mother living? A Yes, sir.
- Q What is your father's name? A Jesse L. Weeks.
- Q What is your mother's name? A Amanda Weeks.
- Q Did she have a middle name? A I don't know.
- Q You claim your Choctaw blood through your mother? A Yes, sir.
- Q How much Choctaw blood do you claim? A About 1/16 I believe.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Nettie M. Weeks.
- Q Is she living? A Yes, sir.
- Q Is she an Indian or a white woman? A White woman.

- Q Do you make any claim for her? A No, sir.
- Q Now give me the names of your minor children for whom you wish to make application? A Clifford Meeks, age 5 years, Warner L. Meeks, age 3 years, and Gracie May Meeks, age 1 year.
- Q You claim for yourself and these children do you? A Yes, sir.
- Q Is Nettie M. Meeks the mother of these children? A Yes, sir.
- Q Are you and your wife living together and are all of these children living with you? A Yes, sir.
- Q Have you the proof of the marriage of yourself and wife with you? A Yes, sir.
- Q Who is J. L. Meeks? A My father.
- Q And Amanda Meeks? A My mother.
- Q They were present at your marriage? A Yes, sir.
- Q What has become of the original marriage certificate? A I suppose it was burnt up.
- Q This is the best evidence you have? A Yes, sir.

Joint affidavit of J. L. Meeks and Amanda Meeks, father and mother of applicant, with reference to marriage of applicant, is presented, marked "Exhibit A" and is made a part of the records in this case.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
- Q Have you ever made application for yourself and your minor children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for yourself and your minor children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your minor children ever been admitted to Choctaw citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application for citizenship in the Choctaw Nation you have ever made for yourself and children? A Yes, sir.
- Q You now come before the Commission to identify yourself and your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't exactly understand that treaty.

An article in a treaty is one of its sub-divisions or sections. This treaty was made between the United States and the Choctaw Nation and was called the treaty of "Dancing Rabbit Creek." It was concluded on the 27th day of September 1830. The object of this treaty was to remove as far as possible all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed, however, it became known that a great many Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and made a part of the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't.
- Q What is the name of your Choctaw ancestor through whom you are now claiming the right to identification as a Mississippi Choctaw? A Rebacca Box.
- Q What was her maiden name? A I don't know.
- Q Do you know whether she married a man named Jones? A I always heard she did.
- Q What was his full name? A I don't know.
- Q Was Rebacca Box living in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know.
- Q Did you ever hear any one in your family say she did? A No, sir.
- Q People who have been before the Commission to-day have testified to that fact? A Yes, sir, but I have never heard of it before.
- Q What relation was Rebacca Box to you? A My great-grand-mother.
- Q When did you first hear that she was a Choctaw Indian? A I have been taught so all my life.
- Q You have been taught that Rebacca Box was a Choctaw Indian and yet you don't know ~~where~~ where she lived? A No, sir.
- Q You don't know whether she lived in Mississippi? A No, sir.

It is necessary for you to prove now that you had an ancestor who lived in the old Choctaw Nation in 1830, and it is further necessary to show that this ancestor, within six months of the ratification of the treaty of 1830, attempted to register. It is also necessary to show that said ancestor was the head of a family in 1830.

- Q Do you know anything more about it? A I reckon I have heard she lived there.
- Q Awhile ago you said you did not hear that she lived there? A I don't know whether I have heard it or not.
- Q Then of course you don't know whether you heard whether she had a family living with her in 1830? A No, sir.

- Q Did you ever hear that she lived in the old Choctaw Nation in Alabama in 1830 and was the head of a family there at that time?
A No, sir.
- Q How old would Rebecca Box be if living now? A I could not tell.
- Q Has your father, Jesse L. Meeks been before this Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q How long ago? A About 15 days ago I think.
- Q How old is your father, Jesse L. Meeks? A I will tell as near as I can--about 70 years old.
- Q Where was he born? A In Mississippi.
- Q Seventy years ago? A I guess so.
- Q Did he have any brothers or sisters? A Yes, sir.
- Q How much older? A I could not tell how much; he has two brothers I know are older.
- Q Were they born in Mississippi? A I don't know.
- Q Do you know whether these older brother were born in Mississippi or in Alabama? A I cannot say.
- Q They are the children of Rebecca Jones, nee Box? A No, sir, they were not.
- Q Was not your father the son of Rebecca Jones? A No, sir.
- Q What was your father's name? A Meeks.
- Q Did he live in Mississippi or Alabama? A He lived in both places. He come from Mississippi to Arkansas.
- Q What was Jesse L. Meeks mother's name? A Pheobe.
- Q You don't know whether Jesse L. Meeks' father and mother lived either in Mississippi or Alabama in 1830 and had a family with them at that time. A I could not tell you.
- Q Which was the Choctaw ancestor of Amanda Meeks? A Her mother.
- Q What was her mother's name? A Butler--before she was married. She claims through her father's side.
- Q What is the name of Amanda Meeks' father then? A Jones.
- Q And he married whom? A He married a Butler.
- Q Where does Rebecca Box come in? A She was my great grand-mother and my mother's grand-mother.
- Q And she married whom? A Jones.
- Q And the Choctaw blood comes down in direct line through her and through your mother Amanda? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or improvements east of the Mississippi river in 1830? A I could not tell.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go before Colonel Ward and tell him they wanted to take land there and become citizens of the states? A I could not tell you.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory between the years 1833 and 1838 or 1840? A Not that I knew of.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation under the treaty of 1830? A No, sir, I think not--not that I knew of.
- Q What relation is Mary A. Sparks to you? A Second cousin.
- Q She has made application before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you wish your case considered with hers as claiming through the same common ancestor? A Yes, sir.

Case of Mary A. Sparks, et al., M.C.R. 5735, is here referred to for the purpose of consolidation.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty was ratified were required to go before Colonel Ward within six months thereafter and tell him that they wanted to remain there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to register. His failure to make these registrations caused a number of Choctaw Indians to lose their land and improvements, both having been sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that by act of Congress approved March 3, 1837 a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved August 23, of that year, which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors went before either of these Commission and claimed rights under article fourteen of the treaty of 1830? A I don't know.

By act of Congress approved August 23, 1842, certificates were issued to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land taken from them and sold by the government. These certificates were called scrip and entitled the Choctaw Indians to select vacant government land in either of the states Mississippi, Alabama, Louisiana and Arkansas.

Q Do you know whether any of your Choctaw ancestors received any of this scrip from the government? A No, sir, I do not.
Q Do you speak the Choctaw language? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has light brown eyes, light complexion; does not understand or speak the Choctaw language, and has no knowledge of any ~~active~~ compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830?

R. B. Eisenberg, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 27th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 15 day of September, 1902.

B. B. Jones
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

Willis M. Meeks,

Slatington, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitzner	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Poteat, et al.	M.C.R. 6208
Willis M. Meeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Pant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6158
James Edward Jones	M.C.R. 6195
Henry M. Jones	M.C.R. 6194

Willis M. Meeks,--2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant,

Willis M. Meeks,—5

Sina A. Fant, Eddie Fant, Scirdy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora M. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 6206

COPY.

Muskogee, Indian Territory, November 30, 1904.

Willie M. Meeks,

Statington, Arkansas,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Neceles.

Commissioner in Charge.

No.

2506

For Identification as a Mississippi Choctaw.

Date

Name *Willis M. Meeks.*

Age *27 -* Blood *1/16*

Post Office, *Slatington, Ark.*

Father: *Jesse L. Meeks. l.*

Mother: *Amanda " l.*

Claims through *mother.*
wife *Nettie M. Meeks. l. w.*

No claim for wife -

Children:

Clifford Meeks. 5.

Warner L. " 3

Gracie May " 1

*Claim for next &
children -*

Stenographer *R. B. Eisenberg.*

Choctaw MCR 6207

Fannie Whatley

See MCR 5735

MCR 6207

#6207.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Fannie Whatley for the identification of herself and her four minor children, Edgar A., Ivin C., Vestie, and Erie Whatley, as Mississippi Choctaws.

No appearances.

Fannie Whatley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fannie Whatley.
Q What is your age? A Twenty-five.
Q What is your post office address? A Daisy, Arkansas.
Q How long have you lived in Arkansas? A All my life..
Q How long have you lived in Daisy? A About 8 months.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Simon Young.
Q What is your mother's name? A Sarah F. Young.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your mother, Sarah F. Young been before the commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you want to claim through her and through Mary A. Sparks? A Yes, sir.
Q What relation is Mary A. Sparks to you? A Third cousin.

The case of Sarah F. Young, the mother of this applicant, M.C.R. 6140, is referred to, and also the consolidated case of Mary A. Sparks, et al., M.C.R. 5735. This latter case is referred to for the purpose of consolidation.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Wesley Whatley.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian or a white man? A A white man.
Q You make no claim for him? A No, sir.
Q Give me the names of your children for whom you wish to make application beginning with the oldest under twenty-one.

- A Edgar A., age 6 years, Ivin C., age 4 years, Vestie, age 2 years, and Erie, age 7 months.
- Q Is Ivin a boy? A Yes, sir.
- Q Is Vestie a girl? A Yes, sir.
- Q And Erie, what is he? A A boy.
- Q You claim for yourself and these children do you? A Yes, sir.
- Q Is your husband, Wesley, the father of all these children, A Yes, sir.
- Q Are you and your husband living together and are these children all living with you? A Yes, sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these minor children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these minor children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to Choctaw citizenship either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application that has ever been made by you for yourself or for your minor children for citizenship in the Choctaw Nation to any authority? A Yes, sir.
- Q You now come before the Commission for the purpose of making application for the identification of yourself and minor children as Mississippi Choctaws, under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A No, sir, I don't.

The treaty of 1830 was made between the United States government and the Choctaw Nation at a place called Dancing Rabbit Creek in Mississippi, and was concluded on the 27th day of September of that year. The object of the treaty was to secure the removal, as far as possible, of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to Indian Territory, and to protect the interests of these Choctaws who wished to remain article fourteen was put in the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens

of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Did any of your ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of the ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Rebecca Box.
- Q Who did she marry? A Jones.
- Q You can't think of his first name? A No, sir.
- Q Her name was Rebecca Jones after she was married? A Yes, sir.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A No, sir.
- Q Did you ever hear that she was the head of a family there at that time? A No, sir.
- Q What do you know about her having Choctaw blood? A I don't know anything about it.
- Q You have never heard anything? A Yes I have heard.
- Q What have you heard? A I have not heard how much she had.
- Q Have you never heard where she lived? A No, sir.
- Q Did you ever hear that she died in Mississippi or was born in Alabama? A No, sir.
- Q Do you know whether she claimed her Choctaw blood through her father or her mother? A No, sir.
- Q You claim through your mother? A Yes, sir.
- Q And she claimed through whom? A Her mother.
- Q And her mother claimed through whom? A Her father.
- Q What was her father's name? A Willis Jones.
- Q And he claimed through whom? A His mother.
- Q What was her name? A Rebecca Jones.
- Q Did Willis Jones ever live in Mississippi or Alabama? A I don't know.
- Q You don't know how old he would be if living now? A No, sir.
- Q You cannot give the name of your Choctaw ancestor who did live in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory between the years 1833 and 1838 or 1840? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi and Alabama under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed back there in the old Choctaw Nation were required if they wished to take advantage of the provisions of article fourteen of the treaty of 1830, to go before the Indian Agent there within six months after the ratification of the treaty, and tell him that they wished to stay in the old Choctaw Nation, to take lands there and become cit-

izens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to register. This neglect of the Agent caused a number of Choctaw Indians to lose both their lands and improvements, the government having sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a commission to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty of 1830? A No, sir, I never heard.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued by an act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had their lands taken from them in the old Choctaw Nation and were sold by the government.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further you want to say now in support of this claim? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, brown hair and fair complexion; has no knowledge of the Choctaw language nor has any knowledge of any ~~active~~ compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, taken on the 28 day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. O. Jones
Notary Public.

602

Muskogee, Indian Territory, January 7, 1903.

Fannie Whatley,

Daisy, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Weeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Weeks, et al.	M.C.R. 6198
Martha Potcet, et al.	M.C.R. 6208
Willis M. Weeks, et al.	M.C.R. 6206
Victoria Elovins, et al.	M.C.R. 6189
James L. Jones, et al.	M.C.R. 6097
Joseph G. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Weeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Weeks, et al.	M.C.R. 6219
Nevada Weeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

Fannie Whatley,--2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maude E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones,

Fannie Whalley,—3

Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otis W. Pate, Vesta B. Pate, Alex Meeks, Lawrence Meeks, Beulah Meeks, Nellie Meeks, Mayada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Fannie Whalley

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 30, 1904.

Fannie Whatley,

Daisy, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 5207

For Identification as a Mississippi Choctaw.

Date

Name Fannie Whatley -

Age 25 — Blood 1/32

Post Office, Waisy, Ark.

Father: Simon Young. l.

Mother: Sarah F. l.

Claims through mother —
husband.
Wesley Whatley. l. w.
No claim for husband

Children:

Edgar A. Whatley l.

Ivin C. " M 4

Vestie " F 2

Erie " M. 7 m.

Claims for self &
children —

Stenographer R. B. Ewing

Choctaw MCR 6208

Martha Poteet

See MCR 5735

MCR 6208

#6208.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T. August 27, 1902.

In the matter of the application of Martha Poteet for the identification of herself and her five minor children, Maudie E., Elsie D., Binnie, Erie and Ernest Poteet, as Mississippi Choctaws.

No appearances.

Martha Poteet being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martha Poteet.
Q What is your age? A Thirty-one.
Q What is your post office address? A Slatington, Arkansas.
Q How long have you lived there? A I have been living there about three years; I was raised in Arkansas.
Q Was you born in Arkansas? A Yes, sir.
Q And have always lived in that state? A Yes, sir. No I have not always lived there, but most of my life. I lived in the Territory about 13 years.
Q What years did you live in the Territory? A I could not tell.
Q Where did you go from the Territory? A We went from the Territory to Arkansas and have lived there since.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is his name? A Jesse L. Meeks.
Q What is your mother's name? A Amanda Meeks.
Q Do you claim your Choctaw blood through your father or your mother? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Are you married? A Yes, sir.

- Q What is your husband's name? A George D. Poteet.
Q Is he living? A Yes, sir.
Q Is he a white man or a Choctaw Indian? A Awhite man.
Q Do you claim anything for him? A No, sir.
Q How many children have you that you wish to make application for?
A Five.
Q What are their names and ages, commencing with the oldest? A Maudie E., 13 years old; Elsie D., 11 years old; Binnie, 10 years old; Erie, 5 years old; and Ernest, 1 year old.
Q You claim for yourself and these five children do you? A Yes, sir.
Q Is George D. Poteet the father of these children? A Yes, sir.
Q Are you and he living together as husband and wife and are all of these children living with you? A Yes, sir.
Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
Q Have you ever made application for yourself and for these minor children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for yourself and for these minor children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you or your minor children ever been admitted to Choctaw citizenship either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
Q Is this the first application ever made by you for yourself or for your minor children for citizenship in the Choctaw Nation to any authority? A Yes, sir.
Q You now come before this Commission to be identified as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A No, sir.

The treaty of 1830, or the treaty that was made between the United States and the Choctaw Nation when that tribe was living in the old Choctaw Nation east of the Mississippi river, and which was concluded September 27th of that year, is sometimes called the treaty of "Dancing Rabbit Creek." The object of the treaty was to get the consent of the Choctaw Indians to remove to the Choctaw Nation Indian Territory. Before the treaty was signed, however, it was found that a great many Choctaw Indians did not want to go to the Indian Territory. In order to protect the interests of those Indians who wished to remain in the old Choctaw Nation article fourteen was made a part of the treaty. The treaty was then signed and later on, on February 24th 1831, the treaty was ratified by Congress. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quan-

tity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q That is article fourteen under which you are claiming. You understand it well enough do you? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't.
- Q What is the name of the Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Rebecca Box.
- Q Was that her maiden name? A Yes, sir.
- Q What was her married name? A Jones.
- Q What was her husband's full name? A I don't know.
- Q Did Rebecca Jones live in Mississippi in 1830? A I could not say.
- Q Did you ever hear any one say she did? A I heard my mother and father say so.
- Q Herd your father and mother say she lived where? (No answer)
- Q Did you ever hear that she had a family living in Mississippi? A No, sir.
- Q Never heard of her family at all? A No, sir.
- Q What relation was she to you? A My great grand-mother.
- Q What was the name of your Choctaw ancestor that you claim through that was her son or daughter? (No answer).
- Q Which one of your ancestors are you descended from? A Willis Jones.
- Q He was a son of Rebecca Jones? A Yes, sir.
- Q Did Willis Jones live in Mississippi? A Yes, sir.
- Q How do you know? A Just what my parents said.
- Q How old would he be if living now? A I could not tell.
- Q Where was he born? A I could not tell you that.
- Q But he did live there in Mississippi? A That is what my people tell me.
- Q Did they tell you he was born there? (No answer)
- Q Did they tell you he was living there in 1830? A No, sir.
- Q Did ~~with~~ Willis Jones, the son of Rebecca Jones, live in Mississippi and have a family of children living with him there? A No, sir.
- Q Did Amanda Meeks live in Mississippi? A Yes, sir.
- Q And her father did? A Yes, sir.
- Q And did you ever hear that your grand-father did? A I cannot say.
- Q You ought to be able to tell? A I knew I ought to be able to tell lots of things but I can't.

- Q You must show who your Choctaw ancestor was that had Choctaw blood. You must further show that he lived in the old Choctaw Nation in 1830 and was the head of a family there when the treaty was made; also that he or she complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. Are you able to tell anything about that? A I could if I understood it, but I don't understand it well enough.
- Q Well you understand this--whether or not you had a Choctaw Indian ancestor who lived in the old Choctaw Nation and had a family of children living there? A Yes, sir.
- Q You can't tell anything about it? A No, sir.
- Q Now did that ancestor comply with the provisions of article fourteen of that treaty? A Yes, sir.
- Q How do you know? A My father and mother taught me.
- Q What did they tell you? A That they did.
- Q Did what? A Complied with the treaty.
- Q What did they tell you your ancestor did that constituted a compliance of the treaty? Did they go before Colonel Ward, the Agent, and tell him they wished to take lands in the old Choctaw Nation and become citizens of the states? A I could not tell whether they did.
- Q Did any of them own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? Did you ever hear they had any land there that they got from the government? A No, sir.
- Q Did they go from the old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between the years 1833, 1838 and 1840? A I think they started.
- Q They got as far as Arkansas and stopped there? A I was told so.
- Q Did they pay their own expenses when they went to Arkansas? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in either Mississippi or Alabama after the treaty of 1830 was ratified, refusing to go to Indian Territory with the other Indians, were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, and tell him that they wished to remain in the old Choctaw Nation, to take lands there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to register on his list. This neglect caused a great many Indians to lose the land and improvements, both having been sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go to Mississippi and hear claimants under the fourteenth article of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed rights under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of them receive any scrip from the government which entitled them to select vacant government lands in the states of Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had their lands taken from them in the old Choctaw Nation and sold by the government.

- Q What relation was Mary A. Sparks to you? A Cousin.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Has your father been before the Commission for that purpose? A I don't know whether he has or not.
- Q What is your father's name? A Jesse L. Meeks.
- Q What is your mother's name? A Amanda Meeks.
- Q Would you like to have Mary A. Sparks' case considered in connection with yours, as also other relatives of yours who claim through the same common Choctaw ancestor? A Yes, sir.

Case of Mary A. Sparks, et al., M.C.R. 5735, and also case of applicant's mother, Amanda Meeks, M. C. R. 6139, are here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you wish to say in support of your application? A No, sir.

Applicant has the appearance and physical characteristics of a persons being descended from white parentage; has brown hair, fair complexion, blue eyes; does not speak or understand the Choctaw language, and has no knowledge of any ~~active~~ compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause taken on the 27th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public.

COPY

Mankogee, Indian Territory, January 7, 1903.

Martha Potot,

Slatington, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., ordering the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.R. 6136
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whitley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Potot, et al.	M.C.R. 6208
Willis M. Meeks, et al.	M.C.R. 6208
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Pant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

Martha Poteet,—2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Anna Blevins, Ardle Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant,

Martha Potent,—3

Sina A. Fant, Eddie Fant, Scirdy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora H. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Weeks, Amanda V. Pate, Otho V. Pate, Vesta B. Pate, Alex Weeks, Florence Weeks, Beulah Weeks, Nellie Weeks, Nevada Weeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs,

Respectfully,

James Dixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 7, 1904.

Martha Poteet,

Bluff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 29, 1904, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw. You further ask if you can file on land at the present time.

In reply you are informed that on January 23, 1903, the record in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al., of which the application made by you for the identification of yourself and minor children is a part, together with the decision of the Commission refusing the several applicants in said consolidated case, was forwarded to the Secretary of the Interior. Up to the present time the Commission has not been informed of any departmental action thereon. When the Secretary's decision is made known to the Commission you will be duly notified thereof.

Relative to your filing on lands in the Choctaw-Chickasaw country you are advised that it is not believed that applicants for identification as Mississippi Choctaws whose rights to such identification have not been determined are in any manner en-

M P 2

titled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations. Therefore you would not be permitted at this time to file on lands in the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

41708.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 6208

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

Martha Poteet,

Slatington, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Commissioner in Charge.

Muskogee, Indian Territory, February 8, 1905.

Geo. D. Poteet,

Soper, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, asking to be advised the present status of the Mississippi Choctaw case of Martha Poteet.

In reply you are informed that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al., of which the application of Martha Poteet, et al. is a part, and of which departmental action the applicants were duly notified on November 26, 1904.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

Name Martha Poteet,

Age 31 — Blood, $\frac{1}{16}$

Post Office, Slatington, Ark.

Father: Jesse L. Meeks, l.

Mother: Amanda " l.

Claims through Mother —
 husband
 J. D. Poteet, l. w.

No claim for husband.

Children:

Maudie E. Poteet, 13

Elsie D. " 11

Binnie " M 10

Ernie " M 5

Ernest " M. 1

Claims for self
 and children

Stenographer R. B. Essington



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FEB - 4 1965

Choctaw MCR 6209

Frances Morgan

See MCR 5735

MCR 6209

#3209.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 27, 1902.

In the matter of the application of Frances Morgan for the identification of herself and her minor child, Dewey Allen Morgan, as Mississippi Choctaws.

No appearances.

Frances Morgan being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Frances Morgan.
Q What is your age? A Forty-three.
Q What is your post office address? A New Hope, Arkansas.
Q Is that near the Ozark? A South of that.
Q How long have you lived in Arkansas? A All my life.
Q How long have you lived in New Hope? A Nearly all my life.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Allen Meeks.
Q What was your mother's name? A Nancy Meeks.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A C. J. Morgan.
Q Is he living? A Yes, sir.
Q Do you make any claim for your husband? A No, sir.
Q Have you any minor children for whom you wish to make application? A One.
Q What is the name of that child? A Dewey Allen.
Q How old is he? A Four years old.

- Q Is C. J. Morgan the father of this child? A Yes, sir.
- Q Are you and your husband living together and is this child living with you? A Yes, sir.
- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
- Q Have you ever made application for yourself or for this child for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
- Q Have you ever made application for yourself or for this child for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application you have made for yourself or for your child to be enrolled as a Choctaw Indian? A Yes, sir.
- Q You now come before the Commission claiming the right to be identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A I don't know if I do or not.
- Q Do you want it explained again or do you think you understand it well enough to claim through it? A You can explain it again if you want to.
- Q Well it is no particular pleasure to me to explain it again but I will do so in order that you will fully understand it.

The treaty of 1830 was made between the United States and the Choctaw Nation at a place called Dancing Rabbit Creek in Mississippi, and was concluded on the 27th day of September of that year. The object of the treaty was to secure the removal, as far as possible, of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory, and to protect the interests of those Choctaws who wished to remain article fourteen was put in the treaty which article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reserva-

tion shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Did any of your ancestors comply or attempt to comply in any way with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified? A Rebecca Jolly.
- Q What was her husband's name? A Andrew Jolly.
- Q Where is your father, Allen Meeks? A He is here sick.
- Q He is a white man? A Yes, sir.
- Q When did Nancy Meeks die? A a year ago.
- Q Where did she die? A In Arkansas.
- Q Where was she born? A In Mississippi.
- Q Do you know how old she was when she died? A Sixty-one.
- Q Did she have any brothers or sisters who were born in Mississippi? A They are dead.
- Q Did she have any sisters older than herself? A I don't know; she has some dead.
- Q Any of them ten years older than her? A No, sir.
- Q She claimed her Choctaw blood through which parent? A Her father.
- Q What was his name? A Willis Jones.
- Q Do you know if he lived in the old Choctaw Nation in 1830 and was the head of a family there then? A He was living there, but I don't know if he was the head of a family.
- Q How did he live in Mississippi or Alabama in 1830? A I don't know.
- Q Did he claim his Choctaw blood through his mother, Rebecca Jones? A Yes, sir.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know if she lived in Mississippi in 1830 or not; she lived there some time.

It will be necessary to show that some Choctaw ancestor of yours lived in the old Choctaw Nation when the treaty was made and that they were the head of a family there at that time.

- Q Do you know positively of any ancestor living there then? A My great grand-mother lived there then.
- Q Where did she live? A I don't know which place she lived in.
- Q Do you know of anybody living who does know? A My cousin, who lives in Hot Springs.
- Q What is his name? A Doc Jones.
- Q How old is he? A He is away up in '70.
- Q Has he been before the Commission? A No, sir.
- Q Is he descended from Rebecca Jones? A Yes, sir. She is his grand-mother.
- Q Has Doc Jones any children? A Yes, sir.
- Q Can you name them? A Yes, sir. He has a son named Joe Jones, a daughter named Sarah and one named Julie. That is all I am acquainted with.
- Q Is Joe Jones married? A I think he is.
- Q What is his post office address? A Caddo Gap, in Arkansas.

- Q Sarah, has she any family? A Yes, sir.
 Q What is her married name? A Jackson.
 Q Where does she live? A In the Territory.
 Q Do you know where? A No.
 Q How many children has she? A Ten or twelve.
 Q Julie, is she married? A Yes, sir.
 Q What is her married name? A Mathias.
 Q Where does she live? A In Ellen, Arkansas.
 Q Give the names of her children, can you? A No, sir.
 Q Give the names of Sarah's children? A The oldest is Mary Ann, Cornelius, Arthur, Mattie, and a little boy--I don't remember his name. Victoria was the baby when I left there.
 Q Are any of them married? A Two of them. Mary Ann is married.
 Q Who to? A Yarber.
 Q Do you know where they live now? A They live down about Rock Creek, Arkansas.
 Q Have they any children? A Yes, sir.
 Q Can you name them? A I cannot.
 Q Is Mattie married? A Yes.
 Q Has she any children? A No.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A They had land in Mississippi but I don't know how they got it.
 Q Do you know where it was situated? A Yes, sir. One of them held land in Pontitoc County.
 Q Who had the land in Pontitoc county? A I don't know.
 Q Did Rebecca Jones, or who? A I don't know sir.
 Q Did you ever hear that she owned improvements on land in Mississippi and Alabama in 1830? A No, sir.
 Q Can you give the name of any ancestor of yours who owned or claimed any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir.
 Q Did any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in the old Choctaw Nation, and wanted to take lands there and become citizens of the states? That is, did they do so within six months after the ratification of the treaty? A I cannot tell.
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840? A I don't know.

Those Indians who stayed back there in the old Choctaw Nation and refused to go to the Indian Territory under the treaty were required to go to Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to take lands in the old Choctaw Nation and become citizens of the states if they wanted to take advantage of article fourteen of that treaty. A great many of the Choctaw Indians did this whose names Colonel Ward neglected to register on his list. This neglect of Colonel Ward caused a number of the Indians to lose their lands and improvements, both having been sold by the government at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go to Mississippi and hear complaints under article fourteen of the treaty of 1830. In 1842 another Commission was appointed

by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them get any scrip from the government which entitled them to select vacant government land in either of the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued by act of Congress approved August 23 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that their land had been sold by the government; that is, land that they held in the old Choctaw Nation and which was taken from them by the government and sold.

- Q What relation is Mary A. Sparks to you? A Cousin.
- Q Has she or any other relatives of your been before this Commission? A Yes, sir.
- Q Would you like to have their cases all considered with yours? A Yes, sir.

The case of Mary A. Sparks, et al., M.C.R. 5735 is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you wish to say or evidence you wish to introduce in this case? A My father has evidence that he will give.
- Q Does he desire to present it here? A Yes, sir.
- Q He proposes to introduce that evidence here? A Yes, sir.
- Q In what case, your application or some of your brothers and sisters? A All of them.
- Q What is his name? A Allen Meeks.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, gray eyes, medium fair complexion; does not speak or understand the Choctaw language, and has no knowledge of any native compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 27th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public.

COPY

M.C.R. 6209

Muskogee, Indian Territory, January 7, 1903.

Frances Morgan,

New Hope, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James E. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Martha P. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Edda McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Potteet, et al.,	" 6206
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6139
John M. Jones, et al.,	" 6136
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auzs Blevins, Ardrie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-----3-----

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. G.

Tamc Dancy.

Acting Chairman.

Registered

H.C.R. 6209

COPY.

Muskogee, Indian Territory, November 30, 1904.

Frances Morgan,

New Hope, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 3200

For Identification as a Mississippi Choctaw.

Date

Name Frances Morgan.

Age 43 — Blood '46

Post Office, New Hope, Ark.

Father: Allen Meeks l.

Mother: Nancy " d.

Claims through mother
husband
C. J. Morgan. l. w.

No claim for husband

Children: —

Dewey Allen Morgan, 4

Claims for self
and 1 minor

Stenographer R. B. Embury

Choctaw MCR 6210

Phoebe Meeks

See MCR 5735

MCR 6210

#6210

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Phoebe Meeks for the identification of herself as a Mississippi Choctaw.

No appearances.

Phoebe Meeks being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Phoebe Meeks.
Q What is your age? A Thirty-five.
Q What is your post office address? A New Hope, Arkansas.
Q How long have you lived in Arkansas. A All my life.
Q How long have you lived in Arkansas. A All my life.
Q How long have you lived in New Hope? A Nearly all my life.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is his name? A Allen Meeks.
Q What was your mother's name? A Nancy Meeks.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has she ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No, sir.
Q Are you married? A No, sir.
Q You make this claim for yourself, alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir, I guess so.

- Q How do you know? A I don't know whether I understand it or not-- I guess I do.
- Q Would you like to have it explained to you again? A If you wish to.
- Q It is a question as to whether you understand it? A I am not sure I do.

The treaty was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi. The treaty was concluded September 27th, 1830. The object of this treaty was to get the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it was found that a number of the Indians would not go to the Indian Territory, and at first it looked as though the treaty would not be signed. It was owing to this that article fourteen was drafted and made a part of the treaty. Article fourteen is the article under which you are making application to-day, and it is the only authority that exists upon which you can possibly base any claim or be identified. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you understand that now? A I think I do.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article fourteen? A No, sir.
- Q What is the name of the Choctaw ancestor through whom you claim? A Rebecca Box.
- Q Was that her maiden name? A Yes, sir.
- Q Who did she marry? A Jones.
- Q Was he a Choctaw Indian? A He was a white man.
- Q How much Choctaw blood did she have? A I don't believe I know.
- Q What relation was she to you? A My great grand-mother.
- Q You claim through your mother? A Yes, sir.
- Q How old would your mother be if now living? A About 61 or 62.

- Q What was your mother's maiden name? A Nancy Jones.
Q She claimed through whom? A Her father.
Q What was his name? A Willis.
Q Did Willis or Nancy or both live in Mississippi in 1830? A Both.
Q How old would Willis Jones be if living now? A I don't know.
Q Was he living in Mississippi in 1830? A No, sir.
Q You don't know whether he was living there as a small boy or as the head of a family? A No.
Q His mother was Rebecca Jones. Now did Rebecca Jones live in Mississippi or in Alabama in the old Choctaw Nation in 1830? A I never heard.
Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw Nation and had families in 1830? A No, sir.
Q Did you ever hear that any of them lived there in the old Choctaw Nation, was the head of families, and complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir.
Q How old would Rebecca Jones be if living? A I don't know.
Q How old would Willis be if living? A I don't know.
Q When did he die? A In 1865.
Q How old was he when he died? A I don't know.
Q You never heard? A Not that I know of.
Q And you never saw any record? A No, sir.

What you must do is to present positive testimony to the Commission as to whether or not your ancestors lived in Mississippi or Alabama in the old Choctaw Nation in 1830, and whether they were at that time heads of families there, and whether they complied or attempted to comply with article fourteen of the treaty of 1830.

- Q Now if Willis Jones lived in the old Choctaw Nation in 1830 as a child it is natural that his mother Rebecca was living there at that time and the head of a family and she would be your most recent ancestor instead of your more remote ancestor who lived in 1830 and was the head of a family at that time? A I have heard father say what year they came from Mississippi; I think they came from there in 1855.
Q That is not material; the facts I want are material. Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A They owned some land there. I heard my father speak of it.
Q Did any of your Choctaw ancestors receive any land either in Mississippi or Alabama from the government under article fourteen of the treaty of 1830? A I don't know.
Q Who owned the land you speak of? A Jones.
Q What Jones; Rebecca Jones or some other Jones? A I don't know.
Q Did your grand father own it? A He had a farm there.
Q Did he get it from the government or did he buy it? A I don't know.
Q Was it willed to him by his father or mother? A I don't know.
Q Did he have any improvements on it? A He lived on it.
Q He had a house on it? A Yes, sir.
Q Do you know where that land was? A No, sir.
Q Did any of your Choctaw ancestors within six months of the ratification of the treaty go before Colonel Ward and tell him they wanted to take land in the old Choctaw Nation and become citizens of the states? A I don't know.

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833 and 1838 or 1840? A I don't know.
- Q Did any of them own or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who refused to go to the Choctaw Nation, Indian Territory, were required, if they wished to take advantage of article fourteen of the treaty of 1830, to register within six months after the ratification of the treaty. A great many Choctaw Indians did this whose names Colonel Ward failed to put on his register, and owing to this neglect on the part of Colonel Ward a great many Indians lost their land and improvements, both having been sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved on August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether and of your Choctaw ancestors went before either of these Commissions and attempted to establish claims under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select vacant government land in either the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had their land taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q What relation was Mary A. Sparks to you? A Cousin.
- Q Has she and other relatives of yours been before the Commission? A Yes, sir.
- Q Do you want their cases and yours considered together? A Yes, sir.

Case of Mary A. Sparks, et al., M.C.R. 5735, is here referred to for the purpose of consolidation.

- Q Have you any other testimony or evidence you desire to present at this time? A My father has.

Notify your father that if he has any testimony to offer to appear before the Commission here.

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Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, light complexion; does not speak or understand the Choctaw language, and has no knowledge of any ~~active~~ compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes that he reported in full the proceedings had in the above entitled cause, taken on August 27, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public.

COPY.

Muskogee, Indian Territory, January 7, 1903.

Phoebe Meeks,

New Hope, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Peteet, et al.,	" 6206
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen, Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Essa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson, Draper, John W. Draper, Charles H. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John M. Draper, Eliner L. Draper, Jessie J. Draper, James B. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Ellen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannien Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Erie Poteet, Ernest Poteet, Willis M. Meeks, Clifford. Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda M. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-----3-----
You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie D. B. B.
Acting Chairman.

Registered.

M.C.R. 6210

COPY.

Muskogee, Indian Territory, November 30, 1904.

Phoebe Meeks,

New Hope, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

No.

For Identification as a Mississippi Choctaw.

Date

Name *Phoebe Meeks.*

Age *35,* Blood *1/16*

Post Office, *New Hope, Ark.*

Father: *Allen Meeks, l*

Mother: *Nancy " d*

Claims through

~~father~~ *mother --*

~~Children:~~

*Claims for self
alone*

Stenographer *R. B. Rosenberg.*

Choctaw MCR 6211

Nevada Meeks

See MCR 5735

MCR 6211

#3211.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
August 27th, 1902, Muskogee, I. T.

In the matter of the application of Nevada Meeks for the identification of herself as a Mississippi Choctaw.

No appearances.

Nevada Meeks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nevada Meeks.
Q What is your age? A Twenty-seven.
Q What is your post office address? A New Hope, Arkansas.
Q How long have you lived in Arkansas? A All my life.
Q How long have you lived in New Hope? A All my life.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Allen Meeks.
Q What was your mother's name? A Nancy Meeks.
Q Do you claim through your mother? A Yes.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No, sir.
Q Are you married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to Choctaw citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.

- Q Is this the first application ever made by you for citizenship in the Choctaw Nation to any authority? A Yes, sir.
- Q You come before the Commission for the purpose of making application for identification as a Mississippi Choctaw, claiming this right under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of the treaty of 1830? A Yes, sir.
- Q You think you do? A I have heard it enough.
- Q You think you understand it sufficiently to claim under it? A Yes, sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q Did you ever hear of any of them complying or attempting to comply with that article fourteen? A No, sir.
- Q What is the name of the Choctaw ancestor through whom you claim the right to be identified? A Rebecca Box.
- Q What was her husband's name? A Jones.
- Q Did he have a Christian name? A I don't know; I heard father and mother speak about him.
- Q What did they call him? A Jolly.
- Q Was he a white man? A I reckon so.
- Q You don't know about that? A No, sir.
- Q How much Choctaw blood did Rebecca have? A I don't know.
- Q What relation was she to you? A My great grand-mother.
- Q What was her son's name? A Willis Jones.
- Q Is he one of your ancestors? A Yes.
- Q Did he or she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A Both of them.
- Q You are sure about that? A Yes, sir.
- Q Did he live in Mississippi in 1830? A I don't know.

- Q Did she live in Mississippi in 1830? A I don't know.
- Q How much Choctaw blood did she have? A I don't know how much.
- Q Did you ever hear how much Choctaw blood he had? A No, sir.
- Q Was Willis Jones Nancy Jones' father? A Yes.
- Q Did your mother, Nancy, live in Mississippi? A Yes.
- Q Did any of your Choctaw ancestors live in that old Choctaw Nation and the head of families in 1830? A I don't know.
- Q In what county did they live there? A I don't know.
- Q Did they have any land there? A My father said they had.
- Q Said who had land there? A My great grand-father.
- Q Did he say Willis had? A Yes, sir.
- Q How old would Rebecca Jones be if living now? A I don't know.
- Q When and where was she born; I know you know that? A Rebecca Box? I don't know.
- Q Where did she die? A I don't know.
- Q How old was she when she died? A I don't know.
- Q Where was Willis born? A I don't know.
- Q Did Rebecca Jones have a Choctaw name and speak Choctaw? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did you ever hear of Colonel Ward or Colonel George W. Martin? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840? A I don't know.
- Q Did any of them own or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir.
- Q Did you ever hear of the Commissions appointed in 1837 and 1842 to hear Choctaw claimants in Mississippi? A No, sir.

These Commissions were appointed by act of Congress approved March 3rd, 1837, and another act approved August 23, 1842, to hear claimants who went, within six months of the ratification of the treaty, before Colonel Ward and attempted to register their names but whose names the Agent failed to enter on his registration list. To right the wrongs that followed as the result of Colonel Ward's neglect, these two Commissions were appointed by Congress to hear claimants who claimed rights under article fourteen of the treaty of 1830. Some of these Choctaw Indians were enrolled while others were refused.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed rights under article fourteen of the treaty of 1830? A Yes, sir.
- Q Now who did, are you sure about that? A No, sir.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions, or did any of them receive scrip from the government which would entitle them to select vacant government land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q What relation is Mary A. Sparks to you? A Cousin.
Q She has been before the Commission? A Yes, sir.
Q She claims through Rebecca Box? A Yes, sir.
Q Have any of the members of your immediate family been before the Commission? A Yes, sir.
Q Your brothers and sisters have been before the Commission to-day? A My sisters have.
Q Do you want the testimony of all these applicants who claim under the same common ancestor considered with yours and others? A Yes, sir.

The case of Mary A. Sparks, et al., M.C.R. 5735, is here referred to for the purpose of consolidation.

- Q Do you wish to have your father heard in your case as well as in the cases of your other relatives who have appeared before the Commission? A Yes, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, medium fair complexion; does not speak or understand the Choctaw language, and has no knowledge of any ~~active~~ compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, after being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 27th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902/

T. B. Jones
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

Nevada Meeks,

New Hope, Arkansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	M.C.R. 6735
Ollie Owens,	" 6736
Lewis J. Draper, et al.,	" 6562
Rebecca Fitzer,	" 6734
Andrew Jackson Draper, et al.,	" 6663
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whatley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McGlurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Petset, et al.,	" 6206
Willis M. Meeks, et al.,	" 6206
Victoria Blavins, et al.,	" 6209
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
William Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Pitser, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Biola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Anna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry K. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Birby
Acting Chairman.

Registered.

COPY.

M.C.R. 6211

Muskogee, Indian Territory, November 30, 1904.

Nevada Weeks,

New Hope, Arkansas,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1904.

Respectfully,

SIGNED

Commissioner in Charge.

No. 6211

For Identification as a Mississippi Choctaw.

Date

Name *Nevada Murre.*

Age *27* — Blood *1/16*

Post Office, *New Hope, Ark.*

Father: *Allen Meen's, l*

Mother: *Nancy .. d*

Claims through *mother* —

Children:

*Claims for sep
alone —*

Stenographer *R. B. Eisenberg.*

Choctaw MCR 6212

Alex Meeks

See MCR 5735

MCR 6212

#6212.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes/
Muskogee, I. T., August 27, 1902.

In the matter of the application of Alex Meeks for the identification of himself and his three minor children, Florence, Beulah and Nellie Meeks, as Mississippi Choctaws.

No appearances.

Alex Meeks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alex Meeks.
Q What is your age? A Thirty.
Q What is your post office address? A New Hope, Arkansas.
Q How long have you lived in Arkansas? A All my life.
Q Have you lived near New Hope all that time? A Yes, sir, in Pike County.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q Your father's name is what? A Allen Meeks.
Q Your mother's name is what? A Nancy Meeks.
Q You claim your Choctaw blood through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or by the authorities of the United States in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Rosetta.
Q Is she living? A Yes, sir.
Q She is not a Choctaw Indian? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you any children under age whom you wish to make application for? A Yes, sir, three.
Q What are their names and ages? A Florence, age 6, Beulah, age 3, and Nellie, age 1.
Q You claim for yourself and these three children? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.

- Q Is Rosetta the mother of all these children? A Yes, sir.
Q Are you and her living together as husband and wife and are all these children living with you? A Yes, sir.
Q When and where were you married to her? Have you your marriage license with you? A Yes, sir.

Marriage license and certificate of Alex Weeks and Rosetta Lefever presented and the same is marked Exhibit "A" and made a part of the records in this case.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children to the Choctaw tribal authorities in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir. There was an attempt made but it never got before the Commission.
Q Did you ever appear in person or did any one appear for you and your minor children before the Dawes Commission and make application for citizenship in the Choctaw Nation? A No, sir.
Q Have you or your minor children ever been admitted to Choctaw citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
Q Is this the first application you have ever made except the attempt you speak of? A Yes, sir.
Q When was that attempt made? A Four or five years ago.
Q Was it made before the Commission? A I don't know whether it got to the commission or not.
Q Who had charge of that effort? A Stevens.
Q Who was he? A A Notary Public.
Q Was he a lawyer? A No, sir.
Q Where did he live? A In Pike County.
Q You think he did not do anything about it? A I think it was Stevens' brother; he was a lawyer, but is dead now.
Q Was there anything done about it? A Nothing.
Q For whom was this application made? A For myself, I had no children then.
Q Anyone else? A I think there was some few more.
Q You don't know anything about it? A No.
Q You now come before the commission to identify yourself and your minor children as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830? A I suppose I do.
Q You have heard it explained a number of times? A There was so much racket here I could not hear.
Q You know what a treaty is? A Yes, sir.

A treaty is the same as a contract, only it is made between Nations instead of between individuals. Such a treaty was made between the United States government and the Choctaw Nation in Mississippi and Alabama. It is sometimes called the treaty of Dancing Rabbit Creek because it was made at that place, having been concluded on the 27th day of September 1830. This treaty was an agreement of the United States government to transport all the Choctaws to the Indian Territory and give them certain moneys and certain territory there that they were to hold in common. Before this treaty was signed, however,

a good many Indians notified the government that they would not go to Indian Territory, but wanted to remain in the old Choctaw Nation and take lands there and become citizens of the states, and wanted to be protected. The government found that in order to get the treaty signed at all they would have to look after the interests of those Indians who wished to stay there. Article fourteen was then made a part of this treaty for the benefit of these Indians. What law do you depend upon for identification? If you do not know that you are informed that you depend upon article fourteen of the treaty of 1830, and there is no law other than this that gives you the right to make application. Now article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

The last paragraph of that article which reads "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities," means that Indians who comply with that article shall not be deprived of their rights to Choctaw citizenship in Indian Territory, but they shall not be permitted to share in the Choctaw annuities. These annuities were sums of money annually paid per capita to the Choctaw Indians by the United States government.

- Q Now that is article fourteen of the treaty of 1830. Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of this article? A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified? A Rebecca Box.
- Q Was that her maiden name? A Yes, sir.
- Q Whom did she marry? A Jones.
- Q What was her husband's full name? A Jolly.
- Q Is that a nick-name or his real name? A I don't know.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did his wife have? A One-half.
- Q Did she live in Mississippi in 1830? A I reckon she did.
- Q What makes you reckon that? A They come there at an early day.
- Q Did she used to live in Alabama in 1830 and had a family of children living with her? A I think she lived in Mississippi.

- Q What have you heard people say about it? A I have heard them say that the old Jones owned a place.
- Q Who said that? A My father.
- Q Who used to live on the old Jones place? A I don't know.
- Q This old Jones place you have heard was a homestead, was it in your ancestors family or the family of some other Jones? A Jones' ancestors.
- Q Well whose ancestors? A My own.
- Q Did this Jones homestead belong to your mother's family away back? A I suppose it did.
- Q You should know. You just suppose and you have to know. What did your father tell you about it? A Well he said he saw the old Jones place.
- Q Well I want to know if this Jones who lived on it was a relative of yours? A Yes, sir.
- Q Now then, what kin was he to you--how far back does it go? A I suppose it would be a great grand-father.
- Q And that would be the Jones that married Rebecca Box? A I reckon it was.
- Q Did not a man named Jones marry your great grand-mother? A Yes, sir.
- Q Then Rebecca Box was afterwards known as Rebecca Jones? A Yes, sir.
- Q Did that property in Mississippi belong to him? A I think it did.
- Q Now you say you think so. Do you think so because your father said so? A Yes, sir.
- Q It is then a matter of family history or tradition? A Yes, sir.
- Q But it belonged to Jones--not to Rebecca Box? A I don't know.
- Q Did he get it from the government or did she get it through the government? A I don't know which one of them got it.

He was a white man. If he got it he must have done so as the husband of an Indian wife, and if she got it she did so on her own application.

- Q Where was it located? A In Mississippi.
- Q Whereabouts; can you give the county it was in, or the river it was on if any? A I cannot.
- Q How much land was there in that property? A I don't know.
- Q What become of it? A I can't tell you.
- Q Did you ever hear that Rebecca Jones or any of your Choctaw ancestors had any improvements on that land in 1830; was it in cultivation, or don't you know? A I am pretty certain it was.
- Q What makes you think it was? A Because it was an old place when my father was born.
- Q Did any of your Choctaw ancestors go with the other Choctaw Indians to the Choctaw Nation Indian Territory between the years 1833 and 1838 or 1840, or did they go to Arkansas and stop there? A No, sir, they did not come to the Choctaw Nation.
- Q Did any of them, within six months of the ratification of the treaty, go before Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, and take lands there and become citizens of the states? A I don't know

The Indians who stayed back there in the old Choctaw Na-

tion, refusing to go to the Choctaw Nation Indian Territory, were compelled, if they wanted to take advantage of article fourteen of the treaty of 1830, to go within six months of the ratification of the treaty before Colonel Ward and tell him they wished to remain and take lands in the old Choctaw Nation and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to register, and his neglect to do so caused a number of the Indians to lose their lands and improvements, both having been sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians, that Congress, by an act approved March 3rd, 1837 appointed a Commission to go to Mississippi and hear claimants under the fourteenth article of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23, 1842. This Commission also went to Mississippi and heard claimants under the fourteenth article of the treaty of 1830.

- Q Did Rebecca Jones, nee Box, or any of your Choctaw ancestors go before either of these Commission and attempt to establish claims under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if it appeared that a Choctaw Indian had had his land taken from him and sold by the government he was entitled to select vacant government land in either Mississippi, Alabama, Louisiana or Arkansas by means of certificates which were given them by the government. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any of this scrip from the government? A I don't know.
Q Is Mary A. Sparks any relation to you? A Yes, sir.
Q What relation is she? A Second cousin.
Q She has been before the Commission? A Yes, sir.
Q Would you like to have her case and the cases of other relatives of yours who have appeared before the Commission considered together with your case? A Yes, sir.

Case of Mary A. Sparks, et al., M. C. R. 5735, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything more you wish to say in support of your application at this time? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has black hair, blue eyes, ruddy complexion; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

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R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 27th day of August, 1902, and that the foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me on this 15 day of September, 1902

B. Jones
Notary Public.

Muskogee, Indian Territory, January 7, 1903.

Alex Meeks,

New Hope, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Cheo-taws:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fixser,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6085
Amanda A Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whitley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McGlurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Potest, et al.,	" 6208
Willis M. Meeks, et al.,	" 6206
Victoria Blewins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phebe Meeks,	" 6210
Amanda V. Pate, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John M. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talking-ton, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auzs Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora E. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex. Meeks, Florence Meeks, Boulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments shall be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

Tame Piana

Acting Chairman.

Registered.

M.C.R. 6212

COPY:

Muskogee, Indian Territory, November 30, 1904.

Alex Meeks,

New Hope, Arkansas,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

I. B. Meeks

Commissioner in Charge.

No. 5217

For Identification as a Mississippi Choctaw.

Date

Name Alex Meeks, ex al.

Age 30 - Blood 7/16

Post Office, New Hope, Ark.

Father: Allen Meeks l.

Mother: Nancy " d

Claims through mother
wife, Rosetta Meeks, l. w.
No claim for wife.

Children:

Flanner Meeks. 6

Beulah " 3

Nellie " 1

Claims for self &
3 minors

Stenographer R. B. Ewing

Choctaw MCR 6213

Sarah Hendrix

See MCR 4866

MCR 6213

#5213.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

In the matter of the application of Sarah Hendrix for the identification of herself and her seven minor children, Willie, Maggie, Belle, Martin, Jefferson, George and John Hendrix, as Mississippi Choctaws.

No appearances.

Sarah Hendrix being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Hendrix.
Q What is your age? A Forty.
Q What is your post office address? A Pettigrew, Arkansas.
Q How long have you lived in Pettigrew? A I lived there about seven years.
Q Did you always live in Arkansas? A Yes, sir, I was born there.
Q Where were you born in Arkansas? A In Benton County.
Q How long did you live in Benton County? A Until I was about 19 years old.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A William Pace.
Q What was your mother's name? A Sarah Pace.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know just how much.
Q Has your father been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No, sir.
Q Have you the proof of your father and mother's marriage with you? A No, sir.
Q Where were they married? A In Tennessee, at Marcella Falls.
Q What date? A They were married in 1845.
Q Were they married by a minister under a license? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Thomas Hendrix.
Q Is he living? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q Do you make any claim for your husband? A No, sir.
Q Give me the names of your children under age and unmarried? A Willie, age 19, Maggie, age 15, Belle, age 12, Martin, age 9, Jefferson, age 6, George, age 4, and John, age 4 months.
Q You claim for yourself and these children? A Yes, sir.

- Q Is Thomas Hendrix the father of these children? A Yes, sir.
- Q Are you the mother of them all? A Yes, sir.
- Q Are you and your husband living together and are all these children living with you? A Yes, sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation Indian Territory? A Yes.
- Q If you are you did not have to come here to-day. Now is your name or the names of your children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
- Q Have you ever made application for citizenship for yourself or for your children in the Choctaw Nation to the choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship under act of June 10, 1896, to the Dawes Commission, for yourself or for any of your minor children? A No, sir.
- Q Have you or any of your minor children been admitted to citizenship in the Choctaw Nation by either the choctaw tribal authorities, the commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application that has ever been made by you for yourself or for your minor children for citizenship in the Choctaw Nation to any authority? A Yes, sir.
- Q You now come before the commission claiming rights under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A I don't know that I do.

This treaty was made at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. This treaty was made for the particular object of effecting the removal of the Choctaw Indians to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many of the Indians would not go to the Indian Territory, and in order to protect the interests of those who remained in the old Choctaw Nation article fourteen was made a part of the treaty. A treaty is a writing or compact between one or more nations. This article fourteen was inserted in the treaty for the special benefit of those Choctaws who elected to remain in the old Choctaw Nation and refused to go to the Choctaw Nation Indian Territory. This article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall

not lose the privilege of a Choctaw citizen, but if they ever re move are not entitled to any portion of the Choctaw annuities."

- Q You understand that article now do you? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your Choctaw ancestor through whom you claim? A William Pace.
- Q Who is William Pace? A My father.
- Q Can you go back to an ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830? A My father lived in Mississippi and Alabama.
- Q Did he live in the old Choctaw Nation in 1830? A No, sir, I think he moved away from there.
- Q Can you give the name of your ancestor who did live there in 1830? A I don't know as I can.
- Q How old would your father be if living now? A I don't know his age exactly but I think he would be about 64 or 65.
- Q Would he be that old if living now? A I don't know exactly.
- Q Where was he born? A He was born in Tennessee.
- Q Do you know where in Tennessee? A In Lawrence County.
- Q Can you give the year of his birth? A I cannot.
- Q What was his father's name? A I don't remember his father's name.
- Q What was his mother's name? A Rachael Pace.
- Q Through which parent did he claim his Choctaw blood? A Through his mother I think.
- Q He claimed his Choctaw blood through Rachael Pace? A Yes.
- Q Was her husband a white man? A I think so.
- Q Did Rachael Pace ever live in the old Choctaw Nation in 1830? A I could not tell you.
- Q Have you never heard that Rachael Pace or any Choctaw ancestor of yours lived in the old Choctaw Nation at any time? A Yes, sir.
- Q Who lived there? A My father and his mother lived there.
- Q Rachael Pace? A Yes, sir.
- Q When did your father's mother live in the old Choctaw Nation? A I could not tell you where but she lived in Mississippi.
- Q Did she claim her Choctaw blood through her father or her mother? A I could not tell you that.

It will be necessary for you to show, if you want to introduce proper testimony in this application, that you had a Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830; that that ancestor was the head of a family living there then, and that he or she complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

- Q Can you give the name of such an ancestor? A No, sir, I don't know as I can.
- Q Did you have an ancestor by the name of Frazier? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river either in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir.

- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833, 1838 or 1840? A No, sir, not that I know of.
- Q Did any of your Choctaw ancestors, within six months of the ratification of the treaty of 1830, go before Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation and take land there and become citizens of the states? A No, sir.
- Q How old did you say your father would be if living now? A About sixty-five.
- Q Is John S. Pace your brother? A Yes, sir.
- Q Did John S. Pace make application for identification before this Commission on July 12, 1902 (M.C.R. 5061)? A Yes, sir.
- Q In that application he testified that his father would be about 75 years old if now living. Now do you think he was 65 or 75? A Well I don't know, I don't remember his age.
- Q He was born in Tennessee? A Yes.
- Q He lived there until he was married? A Yes, sir.
- Q Did he afterwards go to Mississippi, Alabama, or Arkansas? A He went from Tennessee to Arkansas.
- Q Then he never lived in Mississippi? A He has been there.
- Q When, tell me? You say he went from Tennessee to Arkansas? A He was in Mississippi when he was a boy.
- Q He went to Mississippi from Tennessee when a boy? How long did he stay there? A I don't know.
- Q He went back to Tennessee? A Yes.
- Q And then went to Arkansas? A Yes.
- Q He never went back to Mississippi or Alabama? A No, sir.
- Q But he went back to Tennessee and married and then went to Arkansas and stayed there? A Yes, sir.
- Q Now he claims through his mother, Rachael? A Yes.
- Q When did Rachael live in Mississippi or Alabama? A I can't tell you.
- Q Did she ever live in Mississippi or Alabama? A I can't tell you.
- Q Do you know the name of an ancestor of yours further back than Rachael Pace? A No, sir.
- Q Do you know Rachael Pace's father's name? A No.
- Q Do you know Rachael Pace's mother's name? A No.
- Q Through which parent did she claim her Choctaw blood? A I can't tell that.
- Q Well then how do you know that an ancestor of yours ever lived in Mississippi or Alabama in the old Choctaw Nation? A I heard my father say.
- Q What did he say? A He said he had Indian blood.
- Q Tell me what he said? A He said I had Indian blood in me.
- Q But he never told you that a Choctaw ancestor of yours lived in Mississippi or Alabama. All you testify to is that when your father was a boy he went to Mississippi and then went back to Tennessee and from there went to Arkansas. That is absolutely all the testimony you have presented upon which to base this claim of yours as a Mississippi Choctaw? A My father claimed the Indian blood from his mother's side.
- Q Rachael Pace? A Yes.
- Q How did your father tell you that Rachael Pace ever lived in Mississippi or Alabama? A I heard him say that his grand-mother

was Indian.

- Q What was the name of Rachael Pace's father? A I can't tell you.
- Q Did you ever hear the name of William Frazier? A No, sir, I don't know.
- Q Did Rachael Pace get her Choctaw blood from her father or from her mother? (No answer).
- Q What was the mother's given name? A I don't know.
- Q Do you know where her mother was born? A No, sir.
- Q Did you ever hear that her mother's name was Sallie? A I think her name was Sallie.
- Q How do you know it was? A I don't know much about it--not as much as the boys.
- Q Do you know whether Rachael Pace's mother's name was Sallie or not? A No, sir.
- Q Do you know where Rachael Pace's mother was born? A She was born in Tennessee.
- Q You are sure about that are you? A No, sir. I am not sure, but they have all lived there in Tennessee.
- Q Do you want to contradict yourself? A You want to know if she was born in Tennessee?
- Q Yes? A I don't know, I don't know where she was born.
- Q Your brother, John S. Pace, when he testified before the Commission on July 12, 1902, stated that Rachael Pace's mother's name was Sallie and that she was born in Mississippi in Yallobusha County. Do you know anything about that? A I was little.
- Q Then you never heard much about it? You want to rely upon the testimony of your brother more than your own? A Yes, sir.

The case of John S. Pace, M.C.R. 6051 is here referred to, and also the case of James D. Pace, M.C.R. 4866 is referred to for the purpose of the consolidation of the cases of those applicants who claim under the same common ancestor as this applicant.

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi? A No, sir.
- Q Did any of your Choctaw ancestors, within six months of the ratification of the treaty of 1830, go before Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation and take lands there and become citizens of the states? A No, sir.
- Q Did any of them go from the old Choctaw Nation to the Choctaw Nation in Indian Territory with the rest of the Indians between the years 1833 and 1838 or 1840? A No, sir.
- Q Did any of your Choctaw ancestors own or claim and lands or improvements of any kind under article fourteen of the treaty of 1830 in the old Choctaw Nation? A No, sir.

The Indians who remained in the old Choctaw Nation refusing to go to the Indian Territory, were required, if they wished to take advantage of the provisions of article fourteen of the treaty of 1830, to go before the Indian Agent and tell him that they wished to remain and take lands in the old Choctaw Nation and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected to register. His neg-

lect caused a number of Choctaw Indians to lose their land and improvements in the old Choctaw Nation, both having been taken from them by the government and sold. This caused so many complaints among the Choctaw Indians that in 1837 by act of Congress approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress, approved August 23rd of that year, another Commission was appointed for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and attempt to establish claims under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued by act of Congress approved August 23rd of 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything more you want to say now in support of your application? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, dark brown eyes, complexion somewhat dark; does not understand the Choctaw language, and has no knowledge of any ~~antique~~ compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She has no knowledge as to whether or not any of her Choctaw ancestors lived in Mississippi or Alabama either in 1830 or any other time, except for a brief time her father who was born in Tennessee worked as a boy in Mississippi and Alabama, but that he went back to Tennessee where he married and then moved to Arkansas. She relies more particularly on the testimony of her brothers, Thomas E. Pace, M.C.R. 5849 and John S. Pace, M.C.R. 6051; also upon the testimony given by other relatives of hers who claim descent from the same common ancestor.

R.B.Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 27th day of August, 1902, and that the foregoing is a full, true and

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correct transcript of his stenographic notes taken in said cause on
said date.

P. B. Eisenberg

Subscribed and sworn to before me this 11 day of September, 1902.

B. C. Jones
Notary Public.

COPY.

Muskogee, Indian Territory, January 28, 1903.

Sarah Hendrix,

Pettigrew, Arkansas.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 285
William W. Escue, et al.,	M.C.R. 2250
Ella Nealey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. Pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas E. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6195
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Guyll, et al.,	M.C.R. 6261
Thomas R. Guyll, et al.,	M.C.R. 6262
John S. Guyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bonnie Escue, Ella Healey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Stillie Pace, Verdie M. Pace, Nora A. Pace, Wilmina Pace, Lola P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. Pace, Frederick, O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas E. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Henraix, Martha Almira Guyll, Oscar Bennett Guyll, James Elmer Guyll, Sophia Etta Guyll, Newton Franklin Guyll, Thomas R. Guyll, Josie May Guyll, George Alvin Guyll, John S. Guyll, William Henry Guyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Kirtie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra W. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James M. ...

Registered.

Acting Chairman.

M.C.R. 6213

Muskogee, Indian Territory, May 11, 1903.

Sarah Hendrix,
Pettigrew, Arkansas.

Dear Madam:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

T. B. Needles.
COMMISSIONER IN CHARGE.

For Identification as a Mississippi Choctaw.

Date

Name Sarah Hendrix.

Age 40 — Blood don't know

Post Office, Pettigrew, Ark.

Father: William Pace, d

Mother: Sarah " d

— Claims through father —
 husband
 Thomas Hendrix l.w.
 No claim for husband.

Children: -

Willie Hendrix,	19
Maggie "	15
Belle "	12
Martin "	9
Jefferson "	6
George "	4
John "	4 m.

Claims for self & children

Stenographer R.B. Eisenberg.

Choctaw MCR 6214

Willis A. Bailey

See MCR 5738, 5531, 6215
6249, 6310

MCR 6214

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willis A. Bailey,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Willis A. Bailey,	M.C.R. 6214
Caleb D. Bailey, et al.,	M.C.R. 5738
Mollie C. Akers, et al.,	M.C.R. 5531
Rhunie Lewis, et al.,	M.C.R. 6215
Cordie Bates, et al.,	M.C.R. 6249
William T. Bailey, et al.,	M.C.R. 6310.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Willis A. Bailey, et al.

	(Page)
Original application of Willis A. Bailey before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Testimony of Beverly P. Boatright.....	8
Joint affidavit of Rose Jane Warwell and Amanda Wallis.	11
Letter of Frank A. King, County Clerk, addressed to W. T. Bailey.....	12
Joint affidavit of T. W. Hicks and M. B. Hicks.....	13
Original application of Caleb D. Bailey, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	14
Original application of Mollie C. Akers, et al., before the Dawes Commission for identification as Mississippi Choctaws	21
Original application of Rhunie Lewis, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	26

Original application of Cordie Bates, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	32
Original application of William T. Bailey, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	38
Marriage record between W. T. Bailey and Maud Basley...	43
Decision of the Commission refusing the applications in the consolidated case of Willis A. Bailey, et al., applicants for identification as Mississippi Choctaws..	44

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 28, 1902.

#6214.

In the matter of the application of Willis A. Bailey for the identification of himself as a Mississippi Choctaw.

S. Heard, Attorney for Applicant.

Willis A. Bailey after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Willis A. Bailey.
Q What is your age? A Sixty-eight.
Q What is your post office address? A Port, Oklahoma.
Q How long have you lived in Port, Oklahoma? A Hardly two years.
Q Where were you born? A Tennessee.
Q What place? A Lynnville, Giles county.
Q How old were you when you left Tennessee? A I left in '78.
Q And you went where? A From there to Texas, Paris, Texas.
Q How long did you live in Texas? A About eighteen years.
Q And you went where then? A From there to the Chickasaw Nation Indian Territory, near Woodford.
Q From there you went where? A To where I am living now, near Port, Oklahoma.
Q Is your father living? A No sir, been dead several years.
Q Is your mother living? A No sir, she died when I was quite young.
Q What was your father's name? A William Bailey.
Q What was your mother's name? A Hamrick.
Q What was her given name? A Quintilley Bailey was her name.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A I claim something near one quarter; I will explain to you why I claim that: My grandfather Bailey claimed to be a half blood and my father and my grandmother on my mother's side was cousins, there is where I claim to be a quarter you know.
Q Now, has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, never was.
Q Have you the evidence of your father's and mother's marriage with you now? A No sir, I have not.
Q When were they married do you know? A No sir, I cant tell you.

Willis A Bailey-----2

- Q Or where? A They were married in Tennessee in the county where I was raised, in Giles county.
- Q Do you know whether they were married by a minister under a license? A I am satisfied they were, I don't know of course.
- Q Are you married? A Yes sir.
- Q Is your wife living? A I have been married twice, my last wife is living.
- Q What was your first wife's name? A Parthenia Bailey.
- Q She is now dead? A Yes sir, she died in '60.
- Q Was she an Indian or a white woman? A She didn't claim to have any Indian blood at all.
- Q A white woman? A Yes sir.
- Q Did you have any children by that wife? A Yes sir, I had one.
- Q Is that child living? A Yes sir, was a few days ago.
- Q What is his name? A William Thomas Bailey.
- Q Has he ever been before the Commission to be identified as a Mississippi Choctaw? A No sir, he is talking of coming.
- Q Where does he live? A In the Chickasaw Nation 14 miles north of Ardmore, Glenn is his post office.
- Q Has he a family? A Yes sir.
- Q Can you give the names of his children? A William was one, and Adolphus.
- Q Those two children are all? A Yes sir, that's all he had.
- Q What is the name of your second wife? A Sarah R. Bailey.
- Q Is she living? A Yes sir.
- Q Is she a Choctaw Indian or a white woman? A White woman, does not claim any Indian blood at all.
- Q You do not make any claim for her? A No sir.
- Q Have you any children under twentyone years of age and unmarried that you want to make application for? A No sir.
- Q Have you any children by this second wife? A Yes sir, I have four.
- Q Are all of them married and of age? A Yes sir.
- Q Give me the name of the oldest by Sarah R.? A Caleb D. Bailey.
- Q He has been before the Commission has he to be identified as a Mississippi Choctaw? A Has he? I didn't know it; it must be a late thing.
- Q Give me the name of another child of yours? A Mollie C. Akers.
- Q Is she a daughter of yours? A Yes sir.
- Q She has been before the Commission also has she? A Yes sir.
- Q Was she before the Commission May 10, 1902? A Yes sir.
- Q Any others? A Cordie E. Bates.
- Q Where does she live? A She lives at Port, there close to me.
- Q In Oklahoma? A Yes sir, she aims to come as soon as we get back home.
- Q Has she a family? A Yes sir.
- Q How many children? A Two.
- Q What are the names of these two children? A Charley D. Bates.
- Q And the name of the other? A Effa A. Bates.
- Q Have you any other children? A Nothing but my widowed daughter that's here, Mrs. Lewis.
- Q She will make application herself today? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Willis A Bailey-----3

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, never have.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir, never have.
- Q Have you ever made application for citizenship in the Choctaw Nation prior to this time to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't understand that Judge.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was made on the 27th day of September of 1830. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation with the other Indians and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty. An article in a treaty is a section or sub-division of the treaty. This article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q You think you understand that now don't you? A Yes sir, I think so.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A Why, I don't know whether they did or not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, Rich-

Willie A Bailey-----4

ard Bailey.

- Q What relation was he to you? A He was my grandfather.
- Q What was the name of his wife? A He was married twice I suppose, I dont know what his first wife's name was; his last wife was named Foster, Lookey Foster.
- Q Who was Hammet, or Hammerick, or Hammitt? A That was my mother's name, and it seems that my grandmother on my mother's side was a Bailey.
- Q You claim through your grandfather? A Yes sir, Richard Bailey.
- Q How much Choctaw blood did he have? A I understand he was a half blood.
- Q And you say he was married twice, what was his first wife's name? A I cant tell you.
- Q What was his second wife's name? A Lookey Foster, I dont know anything about his first wife.
- Q Were they both white women? A Yes sir, I suppose they were, I know the last one was.
- Q How old would Richard Bailey be if living now? A I declare I cant tell you; I cant tell you what year he died, I was small when he died.
- Q And you are 68 now? A Yes sir.
- Q Was he a middle aged or old man or young man when he died? A He was somewhere about 60 or 65.
- Q And you think he died when you were about how old? A Probably 15 years old, I was big enough to do pretty good farm work then.
- Q Then your grandfather must have been quite a young man in 1830, 78 years ago? A Yes sir, I suppose so.
- Q Do you know if he was living in Mississippi or Alabama in 1830? A I cant tell you Judge whether he was or not, he lived in the south portion of Tennessee when I knew him.
- Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there then? A Nosir.
- Q When your son, Caleb D. Bailey, testified May 31, 1902, he was asked the question: "What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw", and he said: "Bailey, and my father's mother, her maiden name was Hammett", is that right? A Yes sir, I believe so.
- Q He claimed through Bailey, his grandfather, your father, and he also claimed through your mother, her name was Hammett? A Her name was Bailey.
- Q And then Hammett is the maiden name of your mother and she married a Bailey? A Yes sir, thats right.
- Q Then your mother had Choctaw blood did she? A Yes sir, agreeable to my understanding.
- Q Now, that name has been spelled H-a-m-m-o-o-k, H-a-m-m-i-t and H-a-m-m-e-r-i-o-k, can you spell it the way it should be?
- Q Yes sir, H-a-m-r-i-o-k, I know that.
- Q That is right is it? A Yes sir, thats right, the probability is that some of my children may spell it different because they were not old enough to know exactly.
- Q Do you know her Christian name? A Quintilley Hamrick.

Willis A Bailey-----5

- Q Can you tell through which parent your mother got her Choctaw blood, her father or mother? A It seems she got what little she had from the Bailey family, her mother.
- Q Through her mother? A Yes sir, it seems my grandmother on my mother's side was a Bailey and married a Hamrick, thats where I claim a quarter in place of less you know.
- Q Now, do you know whether Richard Bailey or Quintilley Hamrick or any of your Choctaw ancestors lived in the old Choctaw Nation in Mississippi or in Alabama in 1830 and were the heads of families there then? A I cant tell you about that, Judge, but we will bring up evidence from older persons than I am that can tell whether or not it was the case.
- Q Your son, Caleb D. Bailey who testified May 31, 1902, has stated that he thought some of his ancestors lived in Mississippi in 1830, and he gave the name of Bill Boatright as a man who knew something about his ancestors, do you know anything about that? A Yes sir, but he has got it wrong the way his first name is spelled, it is Beverly, and he is right smart older than I am, and he knew my grandfather, and his deposition will come in later on, Judge; he has got the way it is spelled wrong, his name is spelled B-e-v-e-r-l-y.
- Q Does this man Beverly Boatright know anything about your Choctaw ancestry, and about your grandfather, and about his being a Choctaw Indian and living in Mississippi in 1830? A Yes sir.

Now Mr. Bailey, your son, Caleb D. Bailey, testified on May 31, 1902, your daughter, Mollie C. Akers, testified on May 10, 1902, and when your son, Caleb, testified he was asked why he did not bring this man Boatright before the Commission to testify and he said: "I supposed that he had been here," didn't my sister, Mollie C. Akers, have him here?", and he was told no, and he said he would get this witness at once. Now the time has passed on, it is now the 28th of August, and that witness has not been brought here, and this case is going to be written up very soon. I am going to allow you fifteen days time in which to introduce that witness here, and if at the end of that time he is not produced the case will be written up without his testimony unless the Commission sees fit to give more time, but you ought to get him here if he is an important witness in your case.

By the applicant: Well now, is it necessary that he should come personally before the Commission or would a deposition do?

By the Commission: His personal testimony is better than a deposition, and if you can not get him here in person get his deposition.

Fifteen days time from the date hereof is allowed this applicant in which to introduce the testimony of Beverly Boatright and any other proper testimony or evidence he desires to present in support of this application.

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know anything about that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know.
- Q Did any of your Choctaw ancestors within six months after the

Willis A Bailey-----6

ratification of the treaty go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know anything about that.

Q Did any of your Choctaw ancestors own any land or claim any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A Not that I know of.

Q Now Mr. Bailey, can you give the name of any Choctaw ancestor of yours that has ever lived in Mississippi or Alabama, or that lived there in 1830 and was the head of a family there then? A No sir, I cant.

Q And you think that this man, Beverly Boatright, can testify to that fact? A Yes sir, I think he can.

Mr. Heard, is fifteen days time sufficient to get this man's testimony before the Commission, Beverly Boatright?

By Mr. Heard: I think eighteen days will be, give me eighteen days and I think I will get him here.

By the Commission: The fifteen days time is changed to eighteen at the request of Mr. Heard, attorney for applicant.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory under the provisions of the treaty of 1830 were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register". His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them and sold by the government at its public land sales. This caused a great many complaints among the Indians, and in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act approved August 23rd of that year another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or the Commission of 1842, and claimed any benefits as Choctaw Indians? A I dont know anything about that, Judge.

Q Did you ever hear that any of your ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I never heard about that.

This scrip was issued under the act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who

Willis A Bailey-----7

proved their claim under article fourteen of the treaty of 1830, and also proved that their land which they held in the old Choctaw Nation had been taken from them and sold by the government.

- Q Do you speak or understand the Choctaw language? A No sir.
Q How many of your family or your kin people have been here before the Commission to be identified as Mississippi Choctaws? A None but my son and daughter.
Q Caleb D. Bailey and Mollie C. Akers? A Yes sir.
Q Is that all? A Yes sir.
Q Do you want their cases considered with yours? A Yes sir.

The consolidated case of Caleb D. Bailey, et al., M. C. N. 5738, is here referred to for the purpose of consolidation.

- Q Is there anything further you want to say now? A No sir.

By Mr. Heard, attorney for applicant:

- Q Mr. Bailey, do you know how much Choctaw blood your mother had? A Well, it is just as I told you, - no sir, I don't know, not exactly how much.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has gray hair, brown eyes.

- Q What was the color of your hair formerly? A Black.

He states his hair was formerly black; he does not understand the Choctaw the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 28th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 10 day of September, 1902.

W. H. Martin
B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I.T. October 11, 1902.

TESTIMONY OF BEVERLY P. BOATRIGHT

in the case of Willis A. Bailey, M.C.R. 6214.

Beverly P. Boatright being called and sworn as a witness in this case testified as follows:

S. Heard, attorney.

Examination by the Commission:

- Q What is your name? A B.P. Boatright---(applicant's witness spells the name-- B-e-v-e-r-l-y P. B-o-a-t-r-i-g-h-t.)
- Q What is your age? A I am in my 73rd year.
- Q You are 72 now? A Yes, I am past 72.
- Q What is your post, office address? A Gainesville, Texas.
- Q What's your occupation? A Well, I haven't got any now; I have a few cattle ever in the Territory, but none in Texas.
- Q Have you been a farmer? A Yes sir; all my life.
- Q Where have you lived all your life? A In Tennessee and Texas.
- Q Were you born in Tennessee? A Yes sir, and went to Texas in '81 and have been in the Territory ten years of that time since.
- Q Do you know Willis A. Bailey? A Yes sir.
- Q How long have you known him? A Ever since he was born or two or three weeks old; he was born two miles of me.
- Q What was his father's name? A William Bailey.
- Q What was his mother's name? A Well, Quintillie, I believe.
- Q Q U I N T I L L A? A I suppose so.
- Q Are they both dead now? A Yes sir.
- Q How long did you know these two people? A From the time I could recollect; when she died I was about 21 or 22 years old.
- Q Did you ever talk to them about their Choctaw blood? A Not particularly; I have heard them talk it.
- Q What did you ever hear William Bailey say about his having Choctaw blood? A Well, he said his father was Choctaw.
- Q Did he ever say how much Choctaw blood he had? A Himself?
- Q Yes. A Well, I don't recollect now; my grandfather said William Bailey's father was a quarter; William Bailey and me was own cousins; Dick Bailey married my aunt.
- Q Are you an applicant for identification as a Mississippi Choctaw before the Commission? A No sir.
- Q You are a white man, are you? A I think I am.
- Q Well, now, give me your best knowledge as to whether this applicant, Willis A. Bailey, has any Choctaw blood, and if so, how much? A Well, I can't say; if his grandfather was a quarter his father was an eighth and his mother had some Choctaw blood too.
- Q How much did Quintilla have? A I can't tell you but I knew there was a little connection on that side.

Q Well, I want you to answer the question directly; did she have any Choctaw blood? A They said she did; her husband and her father-in-law and her husband's grandfather and grandmother, which is my grandfather and grandmother.

Q So it is a matter of family history and tradition that she had some Choctaw blood? A Yes sir.

Q How much Choctaw blood did Willis A. Bailey's mother, Quintilla, have? A I can't tell you; her mother and his father were cousins on that side.

Q What was William Bailey's father's name? A Richard Bailey.

Q Did you know him? A Yes, I lived by him.

Q Where did you know him? A In Middle Tennessee.

Q What was William A. Bailey's mother's name? A Leckey.

Q L O C K E Y? A Yes sir.

Q Did you know her too, personally? A Yes sir.

Q In Tennessee? A Yes, lived right there by her.

Q How old would Richard Bailey be now? A Well, he would be over a hundred right now.

Q And Leckey? A She would be 110 or 115; my mother would be 98 last February.

Q Did Richard Bailey or his wife Leckey Bailey ever live in Mississippi or Alabama? A Well, they lived in one; right about on the line, maybe, in both Mississippi and Alabama; it was before I was born; I heard them telling about killing bear in the-----

Q Did you ever hear that they lived there in 1830 --72 years ago when the treaty was made? A I can't tell you.

Q Did you ever hear of Colonel Wm. Ward? A Not that I know.

Q He was the United States Indian agent who lived in Mississippi in 1830 and 1831 and before that; you never heard of him? A I don't recollect; I used to hear of old Colonel Runner.

Q Did you ever hear that Richard Bailey or Leckey Bailey or William Bailey or his wife, Quintilla ever went to Col. Ward after 6 months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Never did hear nothing about that.

Q Did you ever hear that any of these persons I have mentioned who are the Choctaw ancestors of this Willis Bailey received a patent from the Government to land upon which they had lived five years--- A Never did, hear.

Q Did you ever hear that any of the ancestors of Willis Bailey went from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, in 1833 to 1838--or 1840? A Well, there was some that went in 1837 or 1838.

Q Do you know who these persons were? A No sir; I remember seeing them going; I was 8 years old. I have heard Billy Bailey say that they knewed.

Q What was Willis A. Bailey's mother's maiden name? A Hamrick.

Q Did Willis A. Bailey have more than one wife? A Yes sir.

Q Remember his first wife's name? A Yes sir.

Q What was it? A Well, I can't give you exactly; Parthenia Bowens.

Q What was the name of his second wife? A Sarah Jackson I believe.

Q Is she living now? A Yes, I suppose so.

Q She is a white woman I presume? A Yes sir.

Q You know the children of this applicant, do you? A Yes sir.

Q How many has he? A Five.

Q Living? A Yes all living.

Q So this claim of Willis A. Bailey is made through his grandfather Richard Bailey? A Yes sir.

Q Do you know whether Richard Bailey complied or attempted to comply with the article fourteen of the treaty of 1830? A I don't know anything about that.

Q You are not able to state the quantity of Choctaw blood which he had? A No, only they said he was a quarter.

Q Who said he was a quarter? A My grandfather and grandmother.

Q Willis A. Bailey, in his application---and you are now testifying in his case--- stated that his grandfather, Richard Bailey, had (he understood) a half Choctaw blood; you understand that he had a quarter? A Quarter is my understanding.

Q You think Willis Bailey made a mistake? A I don't know.

Q Well, whether one of you made a mistake; who made the mistake?

Q A Well, I can't tell you; I only have my grandfather and grandmother's word for it and I always heard a quarter.

Q Was Richard Bailey married more than once? A Twice.

Q That was his first wife's name? A Well sir I can't tell; I believe Melton.

Q Was she a white woman? A That's my understanding.

Q What was his second wife's name? A Was Leckey Foster.

Q State how much Choctaw blood she had? A She didn't have any.

Q It was Richard Bailey's son, William Bailey, who had Choctaw blood and his wife, Quintilla that had Choctaw blood? A Yes sir.

Q Now, Mr. Bailey, is there anything more that you want to state that you can recollect? A Nothing that I know of.

Q You are here today for the purpose of testifying as to the Choctaw blood of Willis A. Bailey? A Yes sir.

Q That's all you know now, is it? A Yessir; it might be he was a quarter.

Q Who is Caleb Bailey? A He is a son of Willis A. Bailey.

Q He claimed through his father, Willis A. Bailey? A Yessir.

Q Who is Mollie C. Akers? A Daughter of Willis A. Bailey.

Q Who is Rhunie Lewis? A Daughter of Willis.

Q Who is Cordie Bailey? A Daughter of Willis A. Bailey.

Q Who is William T. Bailey? A That's his son.

Q Those all claim through the same source as their father, Willis A. Bailey? A Yes sir.

Q And the testimony which you have given as to his Choctaw blood applies to them also? A Yes sir.

Examination by S. Heard,

Q Do you know whether Willis A. Bailey or his father, Richard could talk the Choctaw language? A Willis A. Bailey couldn't; his father may be could.

Q What was their appearance as to Choctaw blood? A They favor the Indians; well, you see I have 12 cousins; there is some some way, white folks, and some look like something else.

Q That's all I care to ask.

By the Commission-- Witness excused.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above on October 11, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 11th day October, 1902.

Henry G. Hains
July L. V. Emery
Notary Public.

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C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willis A. Bailey,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Willis A. Bailey	M.C.R. 6214
Caleb D. Bailey, et al.,	M.C.R. 5738
Mollie C. Akers, et al.,	M.C.R. 5531
Rhunie Lewis, et al.,	M.C.R. 6215
Cordia Bates, et al.,	M.C.R. 6249
William T. Bailey, et al.,	M.C.R. 6310.

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Willis A. Bailey for himself; by Caleb D. Bailey for him-
self and his five minor children Willis W., Lela L., Lucy A.,
Vivian V. and Ruth Bailey; by Mollie C. Akers for herself and her
three minor children Ora, Essie and Dennis Akers; by Rhunie Lewis
for herself and her two minor children Vinos Devon and Cuba Lee
Lewis; by Cordia Bates for herself and her two minor children
Charlie Davis and Effie V. Bates; and by William T. Bailey for
himself and his three minor children William T., Adolphus D. and
Charlie A. Bailey under the following provision of the act of

Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Richard (or Uncle Dickey, or Dick) Bailey, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and Quintilley (or Quintillie, or Quintilla) Bailey, nee Hammett (or Hammet, or Hammitt, or Hammerick, or Hammock, or Hamrick, or Hammit), who is alleged to have been a Choctaw Indian, degree of blood not stated; both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears that the applicants claim from a more remote Choctaw ancestor, who is alleged to have been the mother of Quintilley (or Quintillie, or Quintilla) Bailey, nee Hammett (or Hammet, or Hammitt, or Hammerick, or Hammock, or Hamrick, or Hammit), one of the ancestors above mentioned, but it is impossible to determine from the testimony the full name of this ancestor and it is therefore impossible for the Commission to ascertain whether or not she was a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been

enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Richard (or Uncle Dickey, or Dick) Bailey, or Quintilley (or Quintillie, or Quintilla) Bailey, nee Hammett (or Hammet, or Hammitt, or Hammerick, or Hamnock, or Hamrick, or Hammit), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lela L. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Essie Akers, Dennis Akers, Rhunie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Cordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr) Adolphus

D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Tams Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

APR 10 1903

Miss. Choctaw 6214

Muskogee, Indian Territory, October 1, 1902.

W. A. Bailey,

Port, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of the joint affidavit of Rose Jane Harwell and Amanda Wallis as to the marriage of W. A. Bailey and Sallie Bailey in Lawrence County, Tennessee, in August 1861, and the same has been filed with the record in this case, but you are advised that before this affidavit can be accepted as conclusive evidence of your marriage to Sallie Bailey, it will be necessary for you to forward the certificate of the Clerk of the Court for the County in which the marriage was performed that he is unable to furnish a certified copy of the license and certificate under which you were married.

Respectfully,

Acting Chairman.

Miss. Choctaw 6214

Muskogee, Indian Territory, October 16, 1902.

W. A. Bailey,

Port, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, asking that you be granted additional time to furnish the certificate of the Clerk of the Court for the county in which your marriage was performed, that he cannot furnish a certified copy of the marriage license and certificate between you and your wife, because of the destruction of the records of his office, and you say that you will at once write to the Clerk for such certificate.

In reply to your letter you are advised that you will be allowed up to and including October 25, 1902, within which to introduce evidence in your case. Relative to having the Clerk of the Court forward the certificate to the Commission, you are advised that if this is done you should request the Clerk to state to the Commission in whose behalf the certificate is forwarded so that the same can be filed in the proper case.

Respectfully,

M C R 6214

Muskogee, Indian Territory, February 3, 1903.

Willis A. Bailey,
Port, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask to be advised the present status of your case.

Replying to your letter you are informed that the Commission has not up to the present time reached any opinion or decision relative to the right of the several persons included in the consolidated Mississippi Choctaw case of Willis A. Bailey, et al., to be identified as Mississippi Choctaws, but is now considering their applications and it is probable decisions will be rendered in the near future. The several applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY.

M C R 6214

Muskogee, Indian Territory, April 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Willis A. Bailey, et al., embracing the following applications for identification as Mississippi Choctaws:

Willis A. Bailey,	M C R 6214
Caleb D. Bailey, et al.,	" 5738
Mollie C. Akers, et al.,	" 5332
Rhunie Lewis, et al.,	" 6215
Cordie Bates, et al.,	" 6249
William T. Bailey, et al.,	" 6310

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 States 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lola E. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Essie Akers, Dennis Akers, Rhunie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Cordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr.), Adolphus D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M MCM & C 2

You are further advised that the applicants herein have been allowed fifteen days from this date within which to file arguments in this office, and that at the expiration of said time the papers in this case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Muskogee, Indian Territory, April 10, 1903.

S. Heard,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Willis A. Bailey, et al., embracing the following applications for identification as Mississippi Choctaws:

Willis A. Bailey,	M C R 6214
Caleb D. Bailey, et al.,	" 5738
Mollie C. Akers, et al.,	" 5531
Rhunie Lewis, et al.,	" 6215
Cordie Bates, et al.,	" 6249
William T. Bailey, et al.,	" 6310

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

S. Heard 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lela L. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Essie Akers, Dennis Akers, Rhunie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Cordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr.), Adolphus D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Ritchy
Chairman.

Registered.

COPY.

M C R 6214

Muskogee, Indian Territory, April 10, 1903.

Willis A. Bailey,
Port, Oklahoma.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Willis A. Bailey, et al., embracing the following applications for identification as Mississippi Choctaws:

Willis A. Bailey,	M C R 6214
Caleb D. Bailey, et al.,	" 5738
Mollie C. Akers, et al.,	" 8631
Rhunie Lewis, et al.,	" 6215
Cordie Bates, et al.,	" 6249
William T. Bailey, et al.,	" 6310

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wil-

Willis A. Bailey 2

llis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lela L. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Essie Akers, Dennis Akers, Rhunie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Cordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr.), Adolphus D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Chairman.

Registered.

(COPY)

Muskogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Willis A. Bailey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 10, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Willis A. Bailey,	M.C.R. 6214,
Caleb D. Bailey, et al.,	M.C.R. 5738,
Mollie C. Akers, et al.,	M.C.R. 5531,
Rhunie Lewis, et al.,	M.C.R. 6215,
Cordie Bates, et al.,	M.C.R. 6249,
William T. Bailey, et al.,	M.C.R. 6310.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
(signed)

TAMM BIXBY,

Through the
Commissioner of Indian Affairs.

Chairman.

2 enclosures M.C.R. 6214.

Copy.

Land

27838-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

June 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Willis A. Bailey for the identification of himself; of Caleb D. Bailey for the identification of himself and his five minor children Willis W., Lela L., Lucy A., Vivian V. and Ruth Bailey; of Mollie C. Akers for herself and her three minor children Ora, Essie and Dennis Ackers; of Rhunie Lewis for herself and her two minor children Vigos Devon and Cuba Lee Lewis; of Cordie Bates for herself and her two minor children Charlie Davis and Effie V. Bates, and of William T., Adolphus D. and Charlie A. Bailey all as Mississippi Choctaws.

On April 10, 1903, the Commission rendered a decision in this case finding that the evidence in said record is insufficient to determine the identity of these applicants as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830, and that their applications for identification as such should be refused. The office has examined the record evidence in this case and finds that these applicants

- 2 -

claim to have inherited their Choctaw blood from common ancestors by the name of Richard Bailey and Quintilla Hamrick, said Richard Bailey is also designated in the record as Uncle Dickey or Dick and Quintilla Hamrick is also designated in the record as Quintillie or Quintilla Bailey nee Hammett, Hammitt, Hammerick, Hammock, Hamrick or Hammit, but there is no evidence in the record showing that either of these ancestors ever complied or attempted to comply with any of the provisions of article 14 of the treaty of 1830, or secured a patent or scrip for land thereunder.

The records of this office have been examined but it does not appear from such examination that either of said ancestors ever secured a patent or scrip for land by reason of complying with the provisions of article 14 of the treaty of 1830 or ever complied or attempted to comply therewith. The office, therefore, concludes that said decision of the Commission is correct and recommends that it be affirmed by the Department.

Very respectfully,

J. A. Jones,

WCB-R.

Commissioner.

Copy.

J.P.

DEPARTMENT OF THE INTERIOR.

WCF.

D.C.18368.

WASHINGTON.

EAF.

ITD. 5150-1903.

July 1, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:-

On April 27, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws of Willis A. Bailey; of Caleb D. Bailey and his minor children, Willis W., Lela L., Lucy A., Vivian V. and Ruth Bailey; of Mollie C. Akers and her minor children, Ora Essie and Dennis Akers; of Rhunie Lewis and her minor children, Vinos Devin and Cuba Lee Lewis; of Cordie Bates and her minor children, Charlie Davis and Effie V. Bates; of William T. Bailey and his minor children William T. and Adolphus D. and Charlie A. Bailey. You refused the applications April 10, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Richard (or Uncle Dick or Dink) Bailey, and Quintilley or Quintillie or Quintilla Bailey (nee Hammett), the last name sometimes being designated as Hammet or Hammitt or Hammerick or Hammock or Hamrick or Hammit. It is alleged that said ancestors were possessed.

- 2 -

of some Choctaw Indian blood and were residents in Mississippi in 1830.

The evidence as shown by the record, as well as the records of the Indian Office, fails to show that either of the alleged ancestors of these applicants complied or attempted to comply with article 14 of the treaty of 1830, or with either of the acts of Congress relating thereto.

Reporting June 17, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The department has carefully reviewed the entire record, and, finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

E. A. Hitchcock,

1 inclosure.

Secretary.

M. C. R. 5214.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Mansfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis A. Bailey et al., of which decision you were advised by mail on the 10th day of April, 1903.

Respectfully,

T. B. Noddies.
Commissioner in Charge.

M. C. R. 6214.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Willis A. Bailey,
Port, Oklahoma.

Dear Sir:-

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis A. Bailey et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

(100-10)
T. B. Needles.
Commissioner in Charge.

M.C.R. 6409.

COPY.

Muskogee, Indian Territory, July 28, 1903.

S. Heard,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:-

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Willis A. Bailey et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

Yours,

T. B. Needles.
Commissioner in Charge.

6214
REFER TO M. C. R.

~~111111~~

Barley
and his wife

Hammet,
Hammerick,
Hammock, or
Hammitt (Armal) or
Quintell (Armal) or
William (Armal) or
William (Armal) or

Richard Bailey 1/2

(1) -
(2) Roeing, 1000

Willis Anderson Bailey, 68 1/2
wife
Parthenia Bailey, Dead
Sarah R. Bailey

William Thomas Bailey
wife
Mary A. Bailey, dead 45 1/2
Mandie B. Bailey, w.

mar 138
Caleb D. Bailey, 34 1/2
wife
Matthie J Bailey w

Mollie C. Bailey, 33
married
Albert Akers, w.

1815
Rhunie Bailey 27 1/8
married
George W. Lewis, w.

mar 6249
Cordie Bailey 29 - 1/8
mar
Ira E. Bates - w.

William S Bailey 11
Joseph Bailey 9
Charles A Bailey 1 1/2

Willis W. Bailey, 14
Lola L. Bailey, 12
Lucy A. Bailey, 10
Vivian V. Bailey, 6
Ruth Bailey, 3.

Ora Akers, 14
Essie Akers, 13
Dennis Akers, 9

Vinona Devon Lewis 6
Cuba Lee Lewis 3

mar 6249
Charles E. Bates 2
Effie V. Bates 10 m

No. 6214

For Identification as a Mississippi Choctaw.

Date

8

Name *Willis A. Bailey.*

Age *68* — Blood *1/4* x

Post Office, *Port, Okla. —*

Father: *William Bailey, d.*

Mother: *Quintelley " d.*

Claims through *father* —

wife (1)

Parthenia Bailey, (d) w.

wife (2)

Sarah R. " (d) w

No claim for 2nd wife.

~~XXXXXX~~

*Claims for self **
~~*children*~~ *alone.*

Stenographer *W. H. Martin*

Choctaw MCR 6215

Rhunie Lewis

See MCR 6214

MCR 6215

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

#6215.

In the matter of the application of Rhunie Lewis for the identification of herself and her two minor children, Vinos Devon and Cuba Lee Lewis, as Mississippi Choctaws.

S. Heard, Attorney for applicant.

Rhunie Lewis being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Rhunie Lewis.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Port, Oklahoma.
Q How long have you lived at Port? A Not quite two years, two years in December.
Q How long have you lived in Oklahoma? A The same time.
Q Where were you born? A Tennessee.
Q Where in Tennessee? A Giles County.
Q From Tennessee you went where? A Texas.
Q Where did you live in Texas? A Lamar and Grayson counties.
Q From Texas you went where? A To the Chickasaw Nation, Indian Territory.
Q How long did you live in the Chickasaw Nation? A I lived there I guess four years.
Q And then you went to Oklahoma? A Yes sir.
Q What is your father's name? A Willis A. Bailey.
Q Is he living? A Yes sir.
Q He appeared before the Commission on this date to be identified as a Mississippi Choctaw? A Yes sir.
Q What is your mother's name? A Sarah R. Bailey.
Q Is she living? A Yes sir.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when and where your father was married to your mother, Sarah? A No sir, I don't.
Q Do you know whether they were married by a minister under a license? A No sir, I don't know anything about it.

Rhunie Lewis-----2

Q You think you can introduce the proof of their marriage if given a little time do you? A Why, I suppose I can, I dont know.

By Mr. Heard, attorney for applicant: Can you introduce the proof in eighteen days?

A Yes sir.

By the Commission: Eighteen days time from the date hereof is allowed this applicant in which to introduce the proof of the marriage of her father and mother, and also any other evidence which she desires to submit in support of this application, this being the time allowed her father, Willis A. Bailey, to introduce testimony in support of his application made today.

Q Are you married? A Yes sir.

Q What is your husband's name? A George W. Lewis.

Q Is he living? A No sir, he is dead.

Q When did he die? A The 2nd day of last November two years ago.

Q Where did he die? A In Johnson county, Texas.

Q Was he a white man? A Yes sir.

Q Have you any children that you want to make application for? A I have two.

Q What is the name of the oldest? A Vinos Devon Lewis.

Q Is that a girl? A Thats a boy.

Q How old is Vinos? A Six years old.

Q The name of the next? A Cuba Lee Lewis.

Q Boy or girl? A Girl.

Q How old is Cuba? A She was three last June.

Q You claim for yourself and these two children? A Yes sir.

Q Was George W. Lee the father of these children? A Yes sir.

Q Are these children living with you at your home? A Yes sir.

Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Is this the first application you have ever made for citizenship in the Choctaw Nation for yourself and children? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your minor children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A No sir.

By Mr. Heard: She does not understand the question.

By the Commission:

Q Do you claim under article fourteen of the treaty of 1830, that article I explained to your father? A I did not pay enough attention, I did not understand that.

Q You do not understand article fourteen of the treaty of 1830, do you? A No sir.

That article was put into the treaty of 1830 for the especial benefit of Mississippi Choctaw claimants and all Mississippi Choctaw Indians, not only those who originally came under the enactment of article fourteen and who lived in the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made, but also all descendants of such Choctaws. A treaty is a compact in writing made between two or more Nations and is made for various purposes set forth in the treaty. The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, and was signed on the twenty-seventh day of September of the year 1830. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty, which was then signed and afterwards ratified on the 24th day of February, 1831. Article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I dont know anything about it at all.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Richard Bailey.

Q What relation was Richard Bailey to you? A My great grandfather.

Q Do you know the name of his wife? A No sir, I have forgot.

Q Now do you know the name of Richard Bailey's wife, either of them,— he had two wives did he not? A I dont know anything about them.

Q This was your great grandfather was he? A Yes sir.

Q How much Choctaw blood did Richard Bailey, your great grandfather have? A One half.

Q How do you know he was a half blood Choctaw Indian? A Well, I dont know; I answered that wrong; I dont know anything about

Rhunie Lewis-----4

it only what I have heard people talk about him.

- Q Who have you heard say that Richard Bailey, your great grandfather, was one half blood Choctaw Indian? A I dont know anybody in particular; I have heard the connection talk about it is all I know.
- Q You have heard your father say so? A No sir, I have just heard him talk it just as he had heard it; I dont know anything about it.
- Q How old would Richard Bailey be if living now? A I dont know.
- Q When did he die? A I dont know.
- Q Do you know where he died? A No sir.
- Q Do you know when and where he was born? A No sir.
- Q Did he speak the Choctaw language or have a Choctaw Indian name? A I dont know anything about that.
- Q Did he ever live in the old Choctaw Nation east of the Mississippi river? A I dont know anything about that.

The old Choctaw Nation was partly in the state of Mississippi and partly in the state of Alabama. Now, it will be necessary in these applications that are made to show, first: That the applicant has a Choctaw ancestor, and that that Choctaw ancestor lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 when the treaty was made, or in 1831 when it was ratified, who had a family living there then, that is, was the head of a family, and who complied or attempted to comply with article fourteen of the treaty of 1830.

- Q Now, do you know whether Richard Bailey or any Choctaw ancestor of yours lived in that old Choctaw Nation east of the Mississippi river in 1830 and was the head of a family there then? A I dont know.
- Q Do you know whether he or any Choctaw ancestor of yours complied or attempted to comply with article fourteen of the treaty of 1830? A I dont know anything about it.
- Q How do you know that you are a Mississippi Choctaw? A I dont know.
- Q You say that you make this application as a Mississippi Choctaw, and yet you have not given any proof that you are? A No sir, of course we have to get our evidence up.
- Q Your brother is Caleb D. Bailey? A Yes sir.
- Q He has been before the Commission, appeared May 31, 1902, did he not? A Yes sir.
- Q Is Mollie C. Akers your sister? A Yes sir.

She appeared before the Commission to be identified as a Mississippi Choctaw on May 10, 1902. Very shortly this case of Mollie C. Akers, Caleb D. Bailey, and also your application and your father's made today, will be written up, and you have not any testimony yet to show that you are a Mississippi Choctaw.

- Q Do you think you can introduce that within eighteen days, the time given you? A I think so, yes sir.
- Q Do you know of anyone by whom you will be able to show that you had a Choctaw ancestor who lived in Mississippi in 1830? A All we can do is to get this man Boatright.
- Q What is his full name? A Beverly Boatright.
- Q Where does he live? A In Gainesville, Texas.
- Q An effort will be made to get that testimony before the Commission? A Yes sir.

This time, eighteen days, is allowed not only for the introduction of that testimony, but any other testimony you desire to present in support of this application.

- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I dont know anything about that.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know anything about that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians between 1830 and 1838 or '40? A I dont know.

The Choctaw Indians who refused to go to the Choctaw Nation Indian Territory with the other Indians under the treaty if they wanted to take advantage of article fourteen of the treaty of 1830 were required to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and register under the conditions of that article fourteen. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, which is now known as "Ward's Register". His negligence to record these applicants under article fourteen who appeared before him within the six months after the ratification of the treaty of 1830, caused a good many Indians who had land in that old Choctaw Nation upon which they had improvements to lose both their land and improvements, they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 a Commission was appointed by Congress by an act approved March 3rd of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837, or the Commission of 1842, and claimed any benefits under that article of that treaty? A No sir I dont know anything about it.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under the act of Congress approved August 23rd, 1842 and was given to those to those Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.

Rhunie Lewis-----6

- Q Is there anything more you want to say in support of this application? A No sir.
- Q Do you want to have your case consolidated with the cases of other relatives, your father and brother and sister, under the head of the case of Caleb D. Bailey, et al.? A Yes sir.

The case of Caleb D. Bailey, et al., M. C. R. 5738, is here referred to for the purpose of consolidation.

By Mr. Heard:

- Q He asked you how you knew you had any Choctaw blood and you said you did not know; state how you know that you are of Choctaw blood, what's the source of your information about it, how do you know it? A Of course is it just the evidence that I have got and all that.
- Q Did you ever hear your father or other relatives speak of your having Choctaw blood in the family? A I have heard it talked through my father.
- Q Then that is the only way that you know? A Yes sir, that's all I know about it.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white ancestry; she has dark brown hair, nearly black; brown eyes; medium fair complexion; she does not understand the Choctaw language, and has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteenth of the treaty of 1830.

W. H. Martin being first duly sworn on oath stated that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 10 day of September, 1902.

B. C. Jones
Notary Public.

COPY.

Muskogee, Indian Territory, April 10, 1903.

Rhumie Lewis,

Port, Oklahoma.

Dear Madam:

You are hereby advised that on the 10th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Willis A. Bailey, et al., embracing the following applications for identification as Mississippi Choctaws:

Willis A. Bailey,	M C R 6214
Caleb D. Bailey, et al.,	" 5738
Mollie C. Akers, et al.,	" 5531
Rhumie Lewis, et al.,	" 6218
Cordie Bates, et al.,	" 6249
William T. Bailey, et al.,	" 6310

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wil-

Rhunie Lewis 2

lis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lela L. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Essie Akers, Dennis Akers, Rhunie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Cordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr), Adolphus D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.
Chairman.

Registered.

M. C. R. 6215.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Rhunie Lewis,

Port, Oklahoma.

Dear Madam:-

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis A. Bailey et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

(CN: 9)
I. B. Woodlee.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

8

Name *Rhennie Lewis,*Age *27 -* Blood *1/8*Post Office, *Port, Okla. -*Father: *Willis A. Bailey, l*Mother: *Sarah R " l.*

Claims through father -
 husband,
George W. Lewis, d. w.

Children:

Vinos. & Von Lewis 6
 (boy)

Cuba L. Lewis 3
 (girl)

Claims for self
and 2 minors.

Enographer *W. H. Martin.*

Choctaw MCR 6216

Nancy A. M. Buchanan

MCR 6216

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Nancy A. M. Buchanan,
for identification as a Mississippi Choctaw, M. C. R. 6216.

-----O-----

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
Nancy A. M. Buchanan.

-----O-----

Page.

" Original application of Nancy A. M. Buchanan,
to the Commission to the Five Civilized Tribes,
for identification as a Mississippi Choctaw,..... 1

Decision of the Commission to the Five Civilized Tribes, re-
fusing the application for identification as a Mississippi
Choctaw in the case of Nancy A. M. Buchanan,..... 7

-----O-----

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

#3216.

In the matter of the application of Nancy A. M. Buchanan
for the identification of herself as a Mississippi Choctaw.

No Attorney appearing for applicant.

Nancy A. M. Buchanan being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy A. M. Buchanan.
Q Have you any children? A No sir, none living.
Q What is your age? A Forty-two.
Q What is your post office address? A Ada, Indian Territory.
Q How long have you lived at Ada? A I ain't lived there very long.
Q How long have you lived in the Indian Territory? A I have been in the Indian Territory off and on ever since I was five or six years old.
Q Where were you born? A In Arkansas.
Q Where in Arkansas? A I dont know sir.
Q Do you know how old you were when you left Arkansas? A I think I was born in Jefferson county.
Q How old were you when you left Arkansas? A Just about five years old.
Q Where did you go then? A To Texas.
Q How long did you live in Texas? A I dont recollect.
Q From Texas you went where? A To the Choctaw Nation.
Q Have you lived there most of your life since? A Yes sir, biggest part of my life.
Q How long have you lived in the Indian Territory last, this last time? A About three years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Hughes.
Q What was your mother's name? A Mary Hughes.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A I dont know sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know sir.

- Q Are you married? A Yes sir.
Q What is your husband's name? A James Buchanan.
Q Is he living and a white man? A Yes sir, he is a white man.
Q And living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I dont know sir.
Q You dont think you have ever been enrolled as an Indian do you? A I dont know sir.
Q Why dont you know? What are you making this claim for if you have been enrolled as a Choctaw Indian? A No sir, I have never been enrolled, I did not understand you.
Q Did you ever make application to be enrolled as a member of the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
Q Is this the first application you have ever made for enrollment as a Choctaw Indian to any authority, either the United States or Choctaw tribal authorities? A Yes sir.
Q Do you now go before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to get the consent of the Choctaw Indians to remove as a body from that old Choctaw Nation east of the Mississippi and go to the Choctaw Nation Indian Territory. The government desired to remove them because they could be better protected by the government on its own territory than on territory occupied by a state. Before the treaty was signed, however, it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; the treaty was then signed and afterwards became ratified on the 24th day of February, 1831. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded

by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

That is article fourteen under which you are making this claim; that article is the only law by which the Commission under authority of Section 21 of the Curtis Bill can hear these applications.

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir, I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Connoy.
- Q Was that your father? A No sir, my grandfather.
- Q How do you spell that Connoy? A I dont know how.
- Q How much Choctaw blood did John Connoy have? A I dont know sir.
- Q What relation was he to you? A My grandfather.
- Q Do you remember the name of his wife? A No sir.
- Q He was your mother's father? A Yes sir.
- Q How old would your mother be if living now? A I dont know sir, she was about thirty-nine when she died.
- Q And she died when? A It has been, - I was about eight or nine years old when she died; I am forty-two now.
- Q Do you know whether she lived in Mississippi or Alabama? A No sir, only just what she said; she always claimed she lived there.
- Q Where, in Mississippi? A Yes sir.
- Q Do you know where in Mississippi? A No sir, unless it was in the eastern part.
- Q Was she born in Mississippi? A I dont know, I guess so, I never heard her talk of being anywhere else.
- Q Did John Connoy live in Mississippi? A Yes sir, I suppose so.
- Q Did he live there 72 years ago in 1830? A I dont know sir.
- Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
- Q Do you know whether John Connoy claimed his Choctaw blood through his father or mother? A No sir, I dont know.
- Q Did you say your mother died when you were about ten years old? A I was about eight or nine years old.
- Q She died then about thirty-four years ago? A Yes sir.
- Q And she was about how old when she died? A She was thirty-nine.
- Q She was born then about 73 years ago? A Yes sir.
- Q Is she died at the age of thirty-nine thirty-four years ago that would be seventy-three years ago when she was born? A Yes sir.
- Q Do you know where she was born? A No sir, I cant tell where,

but I know she taught me when I was little,- she never claimed to be nowhere only in Mississippi until she married my father.

Q She always lived in Mississippi until she married your father?

A Yessir.

Q Therefore it is natural to suppose she was born in Mississippi?

A Yes sir.

Q And you think about 73 years ago? A Yes sir I think so.

Q Then she would have been living there when the treaty of 1830 was made? A Yes sir.

Q That was made 72 years ago; now if she was living in Mississippi as a small child in 1830 it is natural to suppose her father, John Connoy, was living there at that time? A Yes sir.

Q Do you know whether he was or not? A I suppose he was.

Q Do you think that John Connoy your grandfather lived in Mississippi in 1830 and has this child who was your mother living there then as a baby? A Yes sir.

Q Did he comply with article fourteen of the treaty of 1830?

A I dont know sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 in the old Choctaw Nation? A I dont know sir.

Q Did any of them go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I dont know sir.

Q Did any of your Choctaw ancestors, John Connoy, or any others, own any land or claim any land in that old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know sir.

Q How old would John Connoy be if living now? A I dont know sir.

Q When and where was he born? A I dont know sir.

Q When and where did he die? A I dont know sir.

Q Did he live in any state than Mississippi? A I dont know sir.

Q Did you ever hear that he always lived in Mississippi? A Yes sir as well as I remember my mother,- she died when I was small, and as well as I remember that is all the place I ever heard her say her people lived.

Q Have you any brothers or sisters? A One brother living.

Q What is his name? A Joe Hughes.

Q Has he been before the Commission? A No sir.

Q How old is he? A Two years older than me.

Q He is forty-four is he? A Yes sir.

Q What is his post office address? A He lives in Beaumont, Texas.

Q Has he a family? A Yes sir.

Q How many children? A One child.

Q What is the name of that child? A Josie Hughes.

The Choctaw Indians who stayed back there in that old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the

United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". His failure to make a proper registration of these claimants who came before him to register within six months after the ratification of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act of Congress approved August 23rd of that year; this commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No sir, I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama, Louisiana or Arkansas, which scrip was issued under an act of Congress approved August 23rd, 1842? A I dont know sir.

This scrip was given to those Indians who proved their rights under article fourteen, and also proved that their land had been taken from them by the government and sold in the old Choctaw Nation.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Not that I know of.
- Q Is there anything further that you want to say now in support of this claim? A No sir.
- Q Have you any witnesses that you want to present now? A No sir none just now.
- Q You think you will want some time do you in order to get proper evidence before the Commission? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to introduce testimony in support of this application.

- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, somewhat gray; brown eyes; medium fair complexion, tanned by exposure to the sun; she does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.

Nancy A M Buchanan-----6

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 28th day of August, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this the 17 day of September, 1902.

B. C. Jones
Notary Public.

Handwritten initials and signature in the left margin.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy A. M. Buchanan
for identification as a Mississippi Choctaw, M. C. R. 6216.

--: D E C I S I O N :--

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this
Commission by Nancy A. M. Buchanan for herself, under the follow-
ing provision of the act of Congress approved June 26, 1898,
(30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary there-
to and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of John Connoy, who is alleged to have been a Choctaw Indian (degree of blood not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Connoy, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims

by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. M. Buchanan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James H. Baker
Acting Chairman.

I. D. Hodges
Commissioner.

C. D. Buchanan
Commissioner.

Muskogee, Indian Territory,

JAN 2 1902

308
Muskogee, Indian Territory, January 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Nancy A. M. Buchanan, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. M. Buchanan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,


Acting Chairman.

COPY

Muskogee, Indian Territory, January 2, 1903.

Nancy A. M. Buchanan,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Nancy A. M. Buchanan, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. M. Buchanan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Hanoy A. M. Buchanan,--8

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm D. D. D.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nancy A. M. Buchanan, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of January 2, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. H. C. R.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.
Enc. H.C.R. 6216

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

5068- 1903

Washington

March 6, 1903

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw of Nancy A. M. Buchanan, wherein a decision adverse to the applicant was rendered by the Commission in January 2, 1903.

The office has examined the evidence in this case and finds that the claim to identification is based on the descent of the applicant from one John Connoy, who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

It is stated by the Commission in its decision rejecting this applicant, that its records fail to show the name of John Connoy or the name of an ancestor less remote, among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for the name of John Connoy, and it is not found included in the list of those persons who complied or attempted to comply with the provisions

of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting this applicant, be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner

E.B.H. H'r

3 enclosures

C O P Y

DEPARTMENT OF THE INTERIOR

EAP.

D. C. 8582

WASHINGTON

ITD. 2634- 1903
L.R.S.

March 25, 1903

Commission to the Five Civilized Tribes
Muskogee, I.T.

Gentlemen:-

January 19, 1903, you transmitted the record in the matter of the application for identification as a Mississippi Choctaw, of Nancy A. M. Buchanan, including your decision of January 2, 1903, refusing the application.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one John Connoy, alleged to have been a Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that John Connoy, or a less remote ancestor of the applicant, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat. 513).

The Acting Commissioner of Indian Affairs reported in the matter March 6, recommending that your decision be approved; a copy of his letter is inclosed.

The Department finds no reason to disturb your decision and

-2-

hereby affirms the same.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

M.O.R. 6216

COPY.

Muskogee, Indian Territory, April 2, 1903.

Nancy A. M. Buchanan,

Ada, Indian Territory.

Dear Madam:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

Tamie Diney.

Chairman.

M.C.R. 6216.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Nancy A. M. Buchanan, of which decision you were advised by mail on the 2nd day of January, 1903.

Respectfully,

Tamm Burt
Chairman.

Muskogee, Indian Territory, May 23, 1906.

Thos. J. Sanford,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, asking to be advised the present status of the application of Nannie Eaton, now Nannie Buchanan, for enrollment.

In reply you are informed that on January 2, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing the application made by Nancy A. M. Buchanan, daughter of John and Mary Hughes, and wife of James Buchanan, for identification as a Mississippi Choctaw; said application having been made at the general office of the Commission at Muskogee, Indian Territory, on August 28, 1902.

On December 22, 1902, the record in the case, together with the Commission's decision adverse to the applicant, was forwarded to the Secretary of the Interior, and on March 10, 1903, he approved the Commission's action in refusing the applicant.

This case is now considered closed and it is not be-

T J S 2

lieved that Nancy A. M. Buchanan is in any manner entitled to
possessory rights of the tribal property of the Choctaw and Chick-
asaw Nations.

Respectfully,

Chairman.

M C R 6216

Muskogee, Indian Territory, October 30, 1906.

James Buchanan,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, 1906, requesting to be advised the status of the application of your wife, Nancy A. M. Buchanan, for identification as a Mississippi Choctaw. You state she first applied in 1902 and then applied in 1905 through one W. Chenault.

In reply you are informed it appears from the records of this office that on March 25, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered January 2, 1903, refusing to identify Nancy A. M. Buchanan as a Mississippi Choctaw.

It does not appear that there is now pending any motion for review or reconsideration of this case, and as the time within which such motions could be received expired June 25, 1906, the Department's action of March 25, 1903, is considered final.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Nancy A. M. Buchanan.

Age 42 — Blood Don't know.

Post Office, Ada. I. T. —

Father: John Hughes. d.

Mother: Mary " d.

Claims through mother —
husband.

James Buchanan, l. w.

No claim for husband

~~Children:~~Claims for self
alone —

Stenographer W. H. Martin.

Choctaw MCR 6217

Irene J. Zachery

See MCR 41

MCR 6217

#6217.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 28, 1902.

In the matter of the application of Irene J. Zachery for the identification of herself and her minor child, Charlie B. Zachery, as Mississippi Choctaws.

Irene J. Zachery being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Irene J. Zachery.
Q What is your age? A Fifty-seven.
Q What is your post office address? A Lamar, Arkansas.
Q How long have you lived in Lamar? A Twenty-three years.
Q Where did you live before that? A I lived just up and down the Arkansas river.
Q Where were you born? A In Madison County.
Q What state? A Arkansas.
Q And always lived in Arkansas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Francis M. Ogden.
Q What is your mother's name? A Annie Ogden.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A My father's grand-mother was a full blood Choctaw.
Q How much would that make you? A Make me about one-third.
Q You will have to figure better than that. Your father's grand-mother was a full blood? A Yes, sir.
Q If she was your father's grand-mother she would be your great grand-mother. If your great grand-mother was a full blood your grand-mother would have been one-half; then your father would be one-half of that or one-quarter, and you would be one-half of one-quarter or one-eighth? A Yes, sir.
Q You think that is right? A Yes, sir.
Q Has your father been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir, I don't reckon he was.
Q Have you the proof of the marriage of your father and mother with you? A No, sir.

- Q Do you know when they were married? A I don't know if I can tell exactly when they were married or not. They were married in Mississippi and then they went from Mississippi to Alabama.
- Q They were married in Mississippi? A Yes. They were married in 1835 in Madison County Arkansas.
- Q Do you remember the date? A No, sir.
- Q Did you not say your father and mother were married in Mississippi? A No.
- Q Were they married by a minister under a license? A I never heard.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What is his name? A C. B. Zachery.
- Q Is he a Choctaw Indian? A No, a white man.
- Q You make no claim for him? A No.
- Q Give the name of your child under the age of 21? A Charlie B. Zachery, age 17.
- Q He is the only child you have under age? A Yes.
- Q How many have you ever age? A Four.
- Q Are they all here? A No, one is at home.
- Q What is the name of that son who did not come? A Scott B. Zachery
- Q Where does he live? A Where I live.
- Q Has he any children? A He has three.
- Q What are their names? A Archie E., Aulda B., and Devie P. Zachery.
- Q Is his wife a white woman? A She is a white woman.
- Q You claim for yourself and your minor child? A Yes, sir, that is what I claim for.
- Q Is C. B. Zachery the father of Charlie B. Zachery? A Yes, sir.
- Q And he is the father of these other children too? A Yes, sir.
- Q Were you married more than once? A No, sir.
- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation? Are you enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know.
- Q You are not enrolled are you? A I did not understand you.
- Q Is your name on any of the rolls of the Choctaw Nation? A Not that I know of. I never enrolled before.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities in Indian Territory? A Not until to-day.
- Q This is to the Dawes Commission? A Yes, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or child to the Dawes Commission under act of June 10, 1896? A No, sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q This is the first application that has ever been made by you for citizenship in the Choctaw Nation to any authority? A Yes, sir.
- Q Do you now come before the Commission to identify yourself and child as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes.
- Q Do you understand that article? A No, sir.

- Q Did you ever hear of the treaty of 1830? A Yes, I have heard of it.
- Q It was made between the Choctaw Nation and the United States government? A Yes, sir.
- Q Now did you ever hear of article fourteen of that treaty? A Well I guess I have but have forgotten.

The treaty of 1830 was sometimes called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi, concluded on September 27th, 1830. The object of the treaty was to get the Choctaw Indians to consent to go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Now a good many Indians refused to go to Indian Territory and some provision had to be made for them. They wanted something put in the treaty to protect them, so article fourteen was made a part of the treaty, and that is the article under which you are making this claim to-day. It is the only law under which you can make application to be identified as a Mississippi Choctaw. The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't know as I know just when they applied; there was some cousins applied.
- Q You do not understand. Did any of your Choctaw ancestors living back there in Mississippi and Alabama in 1830 comply with article fourteen of the treaty of 1830? A I don't know if they did.
- Q What is the name of your Choctaw ancestor through whom you now make this claim? A Etubee.
- Q You said Etubee? A Yes that is what I said; I ain't no scholar much.
- Q You claim through Etubee do you? A Yes.
- Q Who was Etubee? A I don't know.
- Q You will have to tell who Etubee was. Do you know whether Etubee was a relative of yours, and if so, what relation? A She was my great grand-mother.

- Q Did she have any other name than Etubee? A Cunningham. My father's mother was a Cunningham.
- Q I am talking now about Etubee, your great grand-mother. Did she have any other name than Etubee? A Not that I know of.
- Q How much Choctaw blood did she have? A She was a full Choctaw.
- Q How do you know her name was Etubee? A I knew by being taught that. My father told me.
- Q You mean Francis M. Ogden? A Yes.
- Q Do you know whether Etubee was an Indian name or an English name? A An Indian name.
- Q How old would Etubee be if living now? A I can't tell you that.
- Q Where was she born? A Now I don't know.
- Q When and where did she die? A In Mississippi.
- Q Where in Mississippi? A I don't know as I knew the County.
- Q Was the name Etubee her name when she was married? A Yes and she married a Cunningham.
- Q Was her name Mary, Jessie, or what? A Mary Cunningham.
- Q So that Mary Cunningham married a man named Cunningham? A No, Etubee married a man by the name of Cunningham.
- Q But afterwards her name became Cunningham? A Yes, sir.
- Q She had an Indian name, Etubee? A Yes.
- Q You are sure about that? A Yes.
- Q Do you know what Cunningham's Christian name was? A Jeff Cunningham.
- Q Was he a white man? A Yes, sir.
- Q Did Etubee, your great-grand-mother, who afterwards married Jeff Cunningham, and whose name was Mary Cunningham---- A I have given that wrong.
- Q Well give it right then? A She married an Ogden.
- Q You are sure her name was Etubee? A Yes, sir, she married a Cunningham.
- Q Did Etubee marry Jeff Cunningham? A Yes.
- Q And was Etubee's name Mary Cunningham after she was married? A No.
- Q Etubee married Jeff Cunningham? A Yes.
- Q What was Etubee's name after she married; was it Mary or Etubee? A Mary.
- Q Where do you get the name Mary? A No--Etubee I reckon.
- Q Do you know what her name was anyway; have you any knowledge what her name was? A Only that her name was Etubee and she married Jeff Cunningham.
- Q Where did she get the name Mary? A Well I reckon that was her name.
- Q Well do you know? A Yes, that was her name--Mary.
- Q Was she called Mary Etubee or simply Etubee? A I have her name Etubee.
- Q Well where did you get that name Mary; where did that name Mary come from? A Well I have got tangled up.
- Q Did Etubee marry Jeff Cunningham? A Well, I have to study a few minutes--Etubee was just her name; she married Cunningham, or Ogden.
- Q Which did she marry? A She married Cunningham and Mary Cunningham, her daughter, married Ogden.
- Q Then Etubee had a daughter named Mary and she married Ogden? A Yes, Francis Ogden.

- Q Now this name Etubee, how do you divide that. You say the first part of the name is 'E' and the last part 'tubee.' A Yes, her name was Tubee.
- Q Don't you know they never divide Indian names that way, like they do English names. Do you know what 'tubee' means in Indian? A No.
- Q Did you ever hear that that part of an Indian name which is spelled u-b-e-e or u-b-b-e-e meant 'hunter' or 'to kill' as sometimes translated by the Choctaw Indians. Did you ever hear that the termination 'ubbee' or 'ubee' meant the war-like, fierce qualities of a warrior and was never given to a woman but to a man? A Yes.
- Q Well how did this woman get a man's name? A She has not got a man's name has she?
- Q Well 'utubbee' is a man's name? A I only knew just what I have heard from my father.
- Q You don't know anything about these Indian names? A No. I never read over them, being no scholar.
- Q Now did your great grand-mother, Etubee, who married Jeff Cunningham, live in Mississippi or Alabama in 1830? A They lived in Mississippi when they were married and moved to Alabama.
- Q What time was that? A He was born in 1812.
- Q I want to know when Etubee was living in Mississippi or Alabama and whether she was the head of a family? A They were married.
- Q Who was married? A Mary Cunningham.
- Q I am not talking about Mary Cunningham. If you would only listen to my questions I would be much obliged. I am asking about your great grand-mother, Etubee when she was married? A Well I don't know when she was married.
- Q Did Etubee ever live in Mississippi? A Yes, sir.
- Q Did she live in Mississippi in 1830? A Yes, I reckon she did.
- Q What makes you reckon she did? A She was married in Mississippi.
- Q And lived there in 1830 in Mississippi as a married woman? A Well I can't say, I got tangled up.
- Q You do not answer my questions at all. Now let me go slow and see if we can't get it untangled. Now did Etubee, your great grand-mother, ever live in Mississippi? A Yes I heard she lived there.
- Q Well did you ever hear she lived there when married? A Yes.
- Q Did she also live in Alabama? A I won't say if she did or not.
- Q Did Etubee marry Jeff Cunningham and live with him in 1830, 72 years ago, in either Mississippi or Alabama? A She lived in Mississippi.
- Q She lived in Mississippi, was married and had children there? A Yes.
- Q Did they have children living with them in Mississippi in 1830, 72 years ago? A Yes, I have heard father speak about it.
- Q That Etubee was the head of a family in Mississippi in 1830? A Yes.
- Q Now who in the family has taught you that? A My father.
- Q No one else? A No, sir.
- Q Do you know anything about who Etubee's children were who were living in Mississippi in 1830? A No I can't.
- Q Do you know how many children there were living in Mississippi in 1830--children of Etubee? A No I don't know how many there were.
- Q You don't know how old Etubee would be if living now? A No I could not tell you that.

- Q She had a daughter named Mary Cunningham? A Yes.
- Q Whom did Mary Cunningham marry? A Ogden.
- Q What was his full name? A Francis M. Ogden.
- Q And he married Mary Cunningham? A Yes, sir.
- Q But you gave your mother's name as Annie Ogden? A That was my mother.
- Q Then Francis Ogden had more than one wife? A Not my father.
- Q Who married Mary Cunningham? A I can't tell that.
- Q You have made a mistake have you not in giving this family record?
A I don't know.
- Q You are sure that your great grand-mother's name was Etubee? A Yes.
- Q She married Jeff Cunningham? A Yes.
- Q She had a daughter named Mary? A Yes.
- Q Who did Mary marry? A Ogden.
- Q What was his full name? A Francis M. Ogden.
- Q The same name as your father's? A Yes, sir.
- Q Then your father's name is the same as his father's? A Yes, sir.
- Q Now did your grand-father, Francis M. Ogden, live in Mississippi or Alabama? A In Alabama.
- Q Do you know if he lived there in 1830? A Yes, sir, he came to Arkansas in 1835.
- Q Was he married there in 1830? A No, ofcourse he was not married in 1830.
- Q Was he born in Mississippi or Alabama? A My grand-father was born in Kentucky.
- Q Was Mary Cunningham born in Mississippi or Alabama, the daughter of Etubee? A I don't know.
- Q Where was your father born? A My father was born in Alabama.
- Q How old would he be if living now? A He was born in 1812.
- Q He claims his Choctaw blood through whom? A His father--his mother.
- Q I want you to be positive? A Well his mother.
- Q What was his mother's name? A Lucinda Cunningham.
- Q You mean Lucinda Ogden? A Yes, sir.
- Q Her maiden name was Cunningham? A Yes, sir.
- Q And her father's name was what? A Jeff.
- Q Who married Etubee? A Yes, sir.
- Q Now your father, Francis M. Ogden, was born in Alabama in 1812 and gets his Choctaw blood from Lucinda Ogden, whose maiden name was Cunningham? A Yes, sir.
- Q Lucinda Ogden then is your ancestor who lived in Alabama in 1830. Did she continue to live in Alabama from 1812 to 1830? A No, sir. My grand father and grand mother parted.
- Q When was Lucinda Ogden and Francis M. Ogden parted? A When she came to Arkansas with her children.
- Q When? A In 1835.
- Q Where from? A Alabama.
- Q Well then she was living in Alabama in 1830? A Yes, sir.
- Q And she had one son at least--Francis M. Ogden and two others? A Yes, sir.
- Q Well then is not Lucinda Ogden, who lived in Alabama in 1830, who had Choctaw blood, and who had children living with her in 1830, the ancestor you are claiming through? A Yes, sir.
- Q I asked about Mary, the daughter of Etubee, who married Jeff .

- You said her name was Mary and she married a Francis M. Ogden and had a son named Francis M. Ogden, and he married Annie Dunn. Now a little later on you testified that Lucinda Cunningham married Francis M. Ogden and they had a son named Francis M. Ogden. Did Mary also have the name Lucinda? A Yes, I was sort of excited.
- Q Mary had also the name of Lucinda and Mary Lucinda Cunningham was the daughter of Jeff Cunningham? A Yes, sir.
- Q So when you said Lucinda had a son, Francis M. Ogden, born in 1812, you meant Mary did you? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Well I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land east of the Mississippi river in 1830? A No, I don't know whether they did or not. Grand-father Ogden had land in Alabama. I don't know whether he bought it or not, but he owned land there in Alabama.
- Q Do you know where that land was located in Alabama? A Not exactly I don't reckon--in Clayburn County.
- Q Do you know whether that was in the old Choctaw Nation in Alabama? A I don't know whether it was or not.
- Q Do you know how much land he had at that time? A I don't know how much he had.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory between the years 1833 and 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors, within six months of the ratification of the treaty of 1830, go before Colonel Ward, the Indian Agent, and tell him that they wanted to remain and take land in the old Choctaw Nation and become citizens of the states? A No.
- Q Who was Malinda Yates? A My father's sister.
- Q Your father was Francis M. Ogden, and this was Malinda Ogden who married whom--what was her husband's full name? A I don't know.
- Q Malinda Yates was Malinda Ogden was she not? A No, she was not Ogden--she was father's half sister. My father's step father was a Yates.
- Q Now who did Malinda Yates marry? A She married a Frayley.
- Q What was his full name? A I believe it was Riley--I have forgotten.
- Q Did she have a son named John H. Frayley? A Yes.
- Q Malinda Yates married a Frayley and had a son named John H. Frayley? A Yes.
- Q He has been before this Commission has he not? (No answer).

John H. Frayley has been before this Commission giving his age as 56 years, to make application for identification as a Mississippi Choctaw, claiming his mother's name was Malinda and his father's name was Allen Frayley.

- Q Is that the same Frayley? A Yes.
- Q And he states further on in his testimony (M.C.R. 5894) that Malinda's maiden name was Yates. That is your father's half sister? A Yes, sir.
- Q Now do you know if she married anyone else? A No, sir.

She only married one.

- Q And that was Allen Frayley? A Yes.
- Q When did she marry Allen Frayley? A I don't know exactly what date she did marry him.
- Q Have you any idea? A Lets see--I must study--I don't want to give anything wrong. She must have married him somewhere along about 1839 or 1840.
- Q Where were they married? A I don't know. It was in Madison or Franklin County.
- Q What state? A In Arkansas.
- Q You are sure that Malinda Yates only married once and married Frayley? A I don't think she did.

The Choctaw Indians who remained in the old Choctaw Nation and refused to go to Indian Territory, were required, if they wished to take advantage of article fourteen of the treaty of 1830, to go before Colonel Ward with six months of the ratification of the treaty and tell him that they wanted to stay in the old Choctaw Nation and take lands there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put on his list known as Ward's Register. This neglect on Colonel Ward's part caused a number of the Choctaws to lose their lands and improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and attempted to establish claims under article fourteen of the treaty of 1830? A No I don't.

By act of Congress approved March August 23rd, 1842, scrip was issued to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had their lands and improvements taken away from them in the old Choctaw Nation and sold by the government. This scrip entitled them to select vacant government land in either of the states Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors receive any of this scrip from the government as Choctaw Indians? A Not that I know of.
- Q Is John H. Frayley related to you? A His mother was a half sister to my father.
- Q What relation is William A. Frayley to you? Is he a brother of John H. Frayley? A No, I reckon he was a nephew. It has been so long--I haven't seen John not since the war. I have heard from him. He had a brother by the name of Reub Frayley.
- Q William gives the name of his father as John H. Frayley; that must be the son of John H. Frayley who made application June 27, 1902? A I can't tell.

- Q Do you want your case consolidated with that of Amanda I. Dunn (M. C.R. 41) and with all the other applicants claiming through the same common ancestor? A I reckon that would be right.

The case of Amanda I. Dunn, M.C.R. 41, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything more you want to say in support of your application? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, brown eyes, fair complexion; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 28th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 8 day of September, 1902.

B. C. Jones
Notary Public.

Muskogee, Indian Territory, February 17, 1903.

Irene J. Zachery,

Lamar, Arkansas.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McGlelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William V. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, FEARL E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank M. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Dora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George H. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Herion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of

Irene J. Eashery, -3

his wife, Mollie Dunn, and by Mollie G. Little for the identification of her husband, Willie Little, as intermarried Mississippi Cheatews, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior.

Respectfully,

(SIGNED):

Tamm Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, March 27, 1903.

Wm. M. Cravens,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing your brief and the affidavits of Sharper Willis and James Hurshie which you ask to be transmitted to the Secretary of the Interior in connection with the case of "C. B. Zachary and et al., applying with him to be identified as Mississippi Choctaws. The same are herewith returned to you for the reason that it does not appear from the records of the Commission that any person by the name of C. B. Zachary is an applicant to this Commission for identification as a Mississippi Choctaw.

It does appear, however, from our records that Irene J. Zachary, wife of C. B. Zachary, a white man, made application to this Commission for the identification of herself and her minor son Charlie B. Zachary as Mississippi Choctaws.

This case was made a part of the consolidated Mississippi Choctaw case of Amanda I. Dunn and certain other persons, applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor, Utubbe or

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Uocubbee or John Yocubbage. The record in this consolidated case, together with the decision of the Commission of February 17, 1903, refusing the several applications therein, was, on March 5, 1903, forwarded the Secretary of the Interior. If it is desired that the documents above referred to be transmitted to the Secretary of the Interior for his consideration in connection with the record in this consolidated case, please return the same with such information.

Respectfully,

Chairman.

MoM 179

M.C.R. 6217

COPY.

Muskogee, Indian Territory, August 27, 1904.

Irene J. Zachery,

Lamar, Arkansas,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Lame Dixby.

Chairman.

Muskogee, Indian Territory, April 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Irene J. Zachary for the identification of herself and minor child, Charlie B. Zachary, included in the consolidated Mississippi Choctaw case of Amanda I. Dunn, et al., the record in this consolidated case, together with the decision of the Commission refusing the several applications included therein, was, on March 5, 1903, transmitted to the Department.

On this date the Commission is in receipt of the brief of W. M. Gravens, attorney for Irene J. Zachary, and the affidavits of Sharper Willis and James Hurscher, with the request that said documents be transmitted for consideration in connection with this consolidated case. The same are herewith transmitted.

Respectfully,

Muskogee, Indian Territory, April 6, 1903.

W. M. Cravens,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your brief and the affidavits of Sharper Willis and James Hursher, which you request be transmitted to the Secretary of the Interior for his consideration in connection with the consolidated Mississippi Choctaw case of Amanda I. Dunn, et al.

In compliance with your request, said documents have this day been forwarded to the Secretary of the Interior.

Respectfully,

For Identification as a Mississippi Choctaw.

Date

Name Irene J. Zachery

Age 57-

Blood $\frac{1}{8}$

Post Office, Lamar, Ark. -

Father: Francis M. Ogden, d

Mother: Annie " c.

Claims through father --
husband C. B. Zachery, l. w.

No claim for husband.

Children:

Charlie B. Zachery, 17.

Claims for self
and minor
child

Signature R. B. Lewis -

Choctaw MCR 6218

Anna B. Zachery

See MCR 41

MCR 6218

#6218.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

In the matter of the application of Anna Belle Zachery for the identification of herself as a Mississippi Choctaw.

Anna Belle Zachery being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Anna Belle Zachery.
- Q What is your age? A Twenty-eight.
- Q What is your post office address? A Lamar, Johnson County, Arkansas.
- Q Is your father living? A Yes, sir.
- Q Is your mother living? A Yes, sir.
- Q What is your father's name? A Calib B. Zachery.
- Q What is your mother's name? A Irene J. Zachery.
- Q Through which parent do you claim your Choctaw blood? A My mother.
- Q How much do you claim? A One-sixteenth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I know of.
- Q Are you married? A No.
- Q You claim for yourself alone? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application for citizenship in the Choctaw Nation you have made to any authority? A Yes, sir.
- Q You now come before the Commission claiming to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A I don't understand that article.

- Q This is the same article that was explained to your mother, Irene Zachery, when she made her application to-day. A Yes, sir.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek and was concluded on the 27th day of September, 1830. The object of the treaty was to get the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaws would not go to the Indian Territory and in order to protect the interests of those who wished to remain in the old Choctaw Nation, article fourteen was made a section or a part of the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

That is article fourteen of the treaty of 1830, under which you are making this claim.

- Q You understand that this article was put into the treaty for the protection of those Choctaw Indians who stayed back there in the old Choctaw Nation? A Now I tell you what I understand about it. I understand she was in the treaty of 1830, but I never heard anything about article fourteen.
- Q You understand it now? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I do not.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Etubee.
- Q That is the Indian name? A I understand that to be Etubee Cunningham; that is the way I understand that name.
- Q How do you spell it? A E-t-u-b-e-e.
- Q Well is not Etubee the Indian name of your Choctaw ancestor? A The way I understand it is that it is Etubee Cunningham, because my grand-father was her daughter's child.
- Q Who did Etubee Cunningham marry? A I suppose she married a Cunningham. I don't propose to know her name before she was married.

- Q What was her husband's name? A I don't know.
- Q Did you ever hear it was Jeff? A I don't know.
- Q What relation was Etubee to you? A She would be my great great grand-mother.
- Q And the man she married would be your great great grand-father? A Yes, sir.
- Q Did they have a daughter named Mary or Lucinda? A I understand they had a daughter named Mary Lucinda Cunningham.
- Q And who did Mary Lucinda Cunningham marry? A Francis M. Ogden.
- Q Did they have a son named after their father, Francis M. Ogden? A Yes, sir.
- Q And who did he marry? A He married Anna Dunn.
- Q And did they have a daughter named Irene J. Dunn? A No, Irene J. Ogden
- Q And she married whom? A Calib B. Zachery.
- Q And that is your father, Calib B. Zachery? A Yes, sir.
- Q Now which one of your Choctaw ancestors lived in the old Choctaw Nation in Mississippi and Alabama in 1830? A Eutubee.
- Q Did she live in Mississippi? A That is the way I understand it-- she lived in Mississippi.
- Q Which one of your ancestors lived in Mississippi in 1830 and was the head of a family there then? A She did.
- Q Do you know how many children she had living with her in Mississippi in 1830? A No, sir.
- Q Your mother testified that Etubee's daughter, Mary Lucinda Cunningham married Francis M. Ogden. Do you also? A Yes, sir.
- Q Now then your mother testified that Francis M. Ogden who married Mary Lucinda Cunningham, was born in Alabama in 1812? A I don't know anything about what ma said.
- Q Do you know whether Francis M. Ogden was married to Mary Lucinda Cunningham and living in Mississippi in 1830? A No I do not.
- Q Now they had a son named Francis M. Ogden. Do you know whether he lived in Mississippi or Alabama? A No.
- Q How old would Etubee be if living now? A I don't know.
- Q When and where was she born? A I don't know.
- Q When and where did she die? A I don't know.
- Q Did she ever go from Mississippi or Alabama to any other state? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did any of them within six months of the ratification of the treaty go to Colonel Ward and tell him that they wanted to remain and take lands in the old Choctaw Nation and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in either Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them ever comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q All you know from what you have heard is that Etubee married a man named Cunningham, your great great grand-father, and that she lived in Mississippi and had children there in 1830? A Yes.

The Choctaw Indians who stayed back there in the old Choctaw Nation refusing to go to Indian Territory were obliged to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wished to remain and take lands in the old Choctaw Nation and become citizens of the states. A great many Choctaw Indian did this whose names Colonel Ward neglected to register upon his list known as Ward's Register. His failure to do this caused a number of Choctaws to lose their lands and improvements, the government having taken them and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year Congress appointed a Commission to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commission and attempted to establish claims under article fourteen of the treaty of 1830? A I don't know.

By act of Congress approved August 23rd, 1842, scrip was issued to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their lands had been taken from them by the government and sold. Under this scrip they were entitled to select vacant government land in either of the states of Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors receive any of this scrip from the government as Choctaw Indians? A I don't know.
- Q What relation is Amanda I. Dunn to you? A She would be my half great aunt.
- Q She has been before this Commission and made application for identification as a Mississippi Choctaw? A I don't know if she has.
- Q Amanda I. Dunn, who appeared in case M.C.R. 41. Did you not hear of that? A No, sir.
- Q Well she did appear before the commission some time previous to this application and claimed through the same common ancestor as you claim? A She would be my half great aunt.
- Q Did you ever hear anything of Malinda Yates? A She is my grand father's half sister.
- Q Was that her maiden name? A Yes, sir.
- Q Who did she marry? A I don't know that.
- Q Did she marry a man by the name of Ogden? A No, she did not marry an Ogden as she was related to the Ogdens.
- Q Did she marry a man by the name of Frayley? A I would not say. I have heard ma say, but I get them mixed up.
- Q John H. Frayley appeared before the Commission June 27, 1902, in case M.C.R. 5894, and testified that his father's name was Allen Frayley and his mother's name was Malinda Frayley and later on he

- said her name was on the rolls as Malinda Yates? A I know one of these girls married a Frayley, but don't know which one.
- Q Did you know John H. Frayley? A No, sir.
- Q So you really don't know much about Malinda Yates? A No, sir.
- Q What relation was Malinda Yates to Ogden? A She was my grand father's half-sister.
- Q Was she married more than once? A I don't know.
- Q Do you speak or understand the Choctaw language? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, black eyes, medium dark complexion; does not speak the Choctaw language, and has no knowledge of any active compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 28th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 8 day of September, 1902.

B. O. Jones
Notary Public.

COPY.

M.C.R. 6218

Muskogee, Indian Territory, February 17, 1903.

Anna B. Zachery,

Lamar, Arkansas.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Cololasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora M. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Sue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora I. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva E. Lee, Artie E. Lee, Sylvester C. Lee, Wanda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Lorton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Millian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie E. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no persons is entitled to identification as a Mississippi Choctaw by marriage, and that

Anna B. Eachery, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Cheetaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 6218

COPY.

Muskogee, Indian Territory, August 27, 1904.

Anna B. Zachery,

Lamar, Arkansas,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tamm Dixby.
Chairman.

~~DUPLICATE~~

No. 3910

For Identification as a Mississippi Choctaw.

Date

Name Anna B. Zachery

Age 28- Blood 1/16

Post Office, Lamar, Ark.

Father: Calib B. Zachery. l

Mother: Irene J. l

Claims through mother m

Children:

Claims for 4212
above

Stenographer R. B. Livingston

Choctaw MCR 6219

Arlena M. Kreipke

See MCR 41

MCR 6219

#6219.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 28, 1902.

In the matter of the application of Arlena M. Kreipke for the identification of herself and her two minor children, Iva Belle, and John B. Kreipke, as Mississippi Choctaws.

Arlena M. Kreipke being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Arlena M. Kreipke.
Q What is your age? A Twenty-four.
Q What is your post office address? A Lamar, Arkansas.
Q How long have you lived in Arkansas? A I was born and raised there.
Q Have you lived in Lamar long? A Nearly twenty-four years.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Calib B. Zachery.
Q What is your mother's name? A Irene J. Zachery.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know.
Q She has never been in the Territory to live? A No, sir.
Q She could not have been enrolled then? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Herman C. Kreipke.
Q Is he living? A Yes, sir.
Q Is he a full blood Choctaw Indian? A He is a full blood German.
Q Do you make any claim for him as a Choctaw? A No, sir.
Q Have you any children for whom you wish to make application? A Two.
Q What is the name of the oldest? A Iva Belle, age 2 years.
Q What is the next? A John B., age 3 months.
Q You claim for yourself and these two children? A Yes, sir.
Q Is Herman C. Kreipke the father of both these children? A Yes.

- Q Are you and your husband and these children living together at your home? A Yes.
- Q Is your name or the name of either of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for yourself or for these children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for yourself or for these children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application that has ever been made by you for yourself or for your minor children for citizenship in the Choctaw Nation to any authority? Yes, sir.
- Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A Only what I have heard to-day.

The treaty of 1830 was made between the United States and the Choctaw Nation at a place called Dancing Rabbit Creek in Mississippi and was concluded on the 27th day of September, 1830. The object of the treaty was to get the consent of the Choctaw Indians to remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a number of Choctaw Indians would not go to the Indian Territory, and to protect the interests of those Choctaws who wished to remain in the old Choctaw Nation, article fourteen was inserted in the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the

Chectaw annuities."

- Q Did any of your Chectaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?
A Not that I know of.
- Q What is the name of your Chectaw ancestor through whom you claim the right to be identified as a Mississippi Chectaw? A Hutubee.
- Q What relation is she to you? A My great great grand-mother.
- Q Who did she marry? A Cunningham I suppose.
- Q Do you know what his given name was--his christian name? A No, sir.
- Q Did she have a daughter named Lucinda Cunningham? A Yes, sir.
- Q What relation was Lucinda to you? A My great grand-mother.
- Q And she married whom? A Francis M. Ogden.
- Q They had a son named after his father? A Yes, sir.
- Q Whom did he marry? A Anna Dunn.
- Q Did they have a daughter named Irene J. Ogden? A Yes, sir.
- Q Who did she marry? A Calib B. Zachery.
- Q Was your maiden name Zachery? A Yes, sir.
- Q And Calib B. Zachery is your father? A Yes, sir.
- Q How of all these Chectaw ancestors who lived in Mississippi in 1830? A I do not know.
- Q Did you ever hear that Hutubee, your great great grand-mother lived in Mississippi? A Yes, sir.
- Q Then you do know don't you? A Yes, sir.
- Q Did she live there in 1830? A Yes, sir.
- Q How do you know? A All I understand is she was in the treaty of 1830.
- Q But I want to know if you know whether she lived in Mississippi in 1830 and was the head of a family there then? A I heard ma say.
- Q You think that is so don't you? A Yes, sir.
- Q Did you ever hear anyone else say so? A My grand-mother.
- Q What did she say? A Just about what I have told.
- Q Did she say she had any Chectaw blood? A Yes, sir.
- Q How much Chectaw blood did she say she had? A My grand mother did not say she had any--it was from my grand-father's side.
- Q Then it was from Francis M. Ogden? A Yes, sir.
- Q How much Chectaw blood did he have? A I don't know.
- Q He got it from Lucinda Cunningham? A Yes, sir.
- Q How much Chectaw blood did she have? A One-half I guess.
- Q Are you sure about that? A I don't know how to count it.
- Q And she got her Chectaw blood from her mother Hutubee? A Yes.
- Q Then if Hutubee was a full blood Lucinda would have one-half? A I suppose so.
- Q And Lucinda's son Francis M. Ogden would have one-half of one-half or one-quarter, and his daughter, Irene, would have one-half of one-quarter or one-eighth, and the daughter of that marriage would have one-half of one-eighth or one-sixteenth. That is what you claim? A Yes, sir.
- Q How old would Hutubee be if living now? A I don't know.
- Q How old would Lucinda Cunningham, who married Francis M. Ogden, be if living now? A I don't know.
- Q Did Francis M. Ogden and his wife live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q How old would your grand-father, Francis M. Ogden, be if living now? A I don't know.

- Q He would be pretty old? (No answer).
- Q Do you know when and where he was born? A Born in 1812--I don't know where.
- Q He was 18 years old at the time the treaty of 1830 was made? A I don't know.
- Q Do you know if he was married then or not? A No.
- Q Well if he was 18 years old at the time the treaty was made then his mother Mary Lucinda Cunningham, who married Francis M. Ogden, if she was living in 1830 in Mississippi, is the ancestor through whom you claim? A Yes, sir.
- Q Did you ever hear that Mary Lucinda Cunningham or Ogden lived in Alabama or Mississippi in 1830 and had children there? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know that.
- Q Did any of your Choctaw ancestors go within six months of the ratification of the treaty of 1830 before Colonel Ward, the Indian Agent, and tell him that they wanted to remain and take lands in the old Choctaw Nation and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory between the years 1833 and 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation refusing to go to Indian Territory, were required, if they wished to take advantage of article fourteen of the treaty of 1830, to go, within six months of the ratification of the treaty before Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, take lands there and become citizens of the states. A great many Choctaws did this whose names Colonel Ward neglected to put on his list known as Ward's register. This neglect on the part of Colonel Ward caused a great many Indians to lose their lands and improvements in the old Choctaw Nation, both having been taken from them and sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Alabama? A I

don't know.

This scrip was issued under act of Congress approved August 23rd 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had their lands taken from them by the government and sold at its public land sales.

- Q Who was Malinda Yates? A My grand-father's half sister.
Q What was her name before she was married? A I don't know.
Q Who did she marry? A I understand she married a Frayley.
Q Do you know if it was Allen Frayley? A No, sir.
Q Do you know anything more about her? A No, sir.
Q How old would she be if now living? A I don't know.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there any other evidence you want to introduce at this time?
A No, sir.
Q Do you know of any testimony you can introduce that will materially support this application at this time? A No, sir.
Q Do you want your case considered with that of Amanda I. Dunn and others for the purpose of consolidation? A Yes, sir.

Case of Amanda I. Dunn, M.C.R. 41, is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage, has brown hair, brown eyes and medium fair complexion; does not speak the Choctaw language and has no knowledge of any active compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 28th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me on this 8 day of September, 1902.

B. L. Jones
Notary Public.

COPY.

M.C.R. 6219

Muskogee, Indian Territory, February 17, 1903.

Arlena M. Kreipke,

Lamar, Arkansas.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.F. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Wilton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Beon, et al.,	M.C.R. 4675
McClelland Beon,	M.C.R. 4855
Jennette M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Gurley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Arlene I. Dunn, Annie Catherine Cololasure, Jennie Cololasure, Ottie Cololasure, Gracie Cololasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry F. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John F. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Gus Perrymore, Ora F. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha J. Thomas, Frank M. Thomas, Tracy Thomas, Sarah Thomas, Minny M. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred M. Thomas, Jesse S. Thomas, Ida May Thomas, Dora L. Thomas, Wilcox A. Thomas, William Thomas, Milton Thomas, George L. Thomas, William Been, Sally J. Been, Josie Been, Fannie L. Been, McClelland Been, Janettie L. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Leil Lathrum, William W. Lee, William V. Lee, Alva F. Lee, Artie E. Lee, Silvester L. Lee, Martha L. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Lorton Curley, Oh Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin F. Dunn, John T. Dunn, Arlene M. Kreipke, Eva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

Arlena M. Kreipke, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Bixby.

Acting Chairman.

Registered.

M.C.R. 6219

COPY

Muskogee, Indian Territory, August 27, 1904.

Arlena M. Kreipke,

Lamar, Arkansas,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

John H. ...
Chairman.

No. .

3210

For Identification as a Mississippi Choctaw.

Date

Name Arlena M. Kreipke

Age 24 - Blood $\frac{1}{16}$

Post Office, Lamar, Ark.

Father: Calib B. Zachery, l.

Mother: Irene J. " l.

Claims through mother. —

Husband, German C. Kreipke, l. m.

No claim for husband.

Children:

Ora Belle Kreipke, 2
John B. " 8 m.

Claims for self &
& minors,

Stenographer R. B. Eversburg

Choctaw MCR 6220

John F. Zachery

See MCR 41

MCR 6220

#6220.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 28, 1902.

In the matter of the application of John F. Zachery for the identification of himself as a Mississippi Choctaw.

John F. Zachery, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John F. Zachery.
Q What is your age? A Twenty-two.
Q What is your post office address? A Lamar, Arkansas.
Q What is your father's name? A Calib B. Zachery.
Q Is he living? A Yes.
Q What is your mother's name? A Irene J. Zachery.
Q Is she living? A Yes.
Q You claim through your mother? A Yes.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Are you married? A Yes.
Q What is your wife's name? A Hattie M. Zachery.
Q Is she living? A Yes.
Q Do you make any claim for her? A No.
Q Have you any children for whom you wish to make application? A No.
Q You make this claim for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.

- Q You now come before the Commission claiming the right to be identified as a Mississippi Choctaw? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.

The treaty of 1830 was made between the United States and the Choctaw Nation at a place called Dancing Rabbit Creek in Mississippi, and was concluded on September 27th, 1830. This treaty was afterwards ratified on the 24th of February 1831. This treaty was made for the purpose of securing the removal of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a number of Choctaw Indians would not go to the Indian Territory, and in order to protect the interests of those Choctaws who remained in the old Choctaw Nation article fourteen was drafted and made a part of the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I do not.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Eutubee.
- Q Was that her Indian name? A Yes that was her Indian name.
- Q What relation was she to you? A My great great grand-mother.
- Q Who did Eutubee marry? A Cunningham.
- Q Do you know his first name? A No.
- Q Your mother testified that it was Jeff. Do you know? A No.
- Q Did she have a daughter named Mary or Mary Lucinda Cunningham? A She had a daughter named Mary but I don't know as to Lucinda.
- Q Your mother said it was Mary Lucinda? A I don't know about that.
- Q This was your great grand-mother? A Yes, sir.
- Q And she married whom? A Ogden.
- Q What was his full name? A Francis Ogden.
- Q Did he have a son by the same name? A Yes, sir.

- Q Who did he marry? A Annie Dunn.
- Q They had a daughter named Irene? A Yes.
- Q Irene J. Ogden? A Yes.
- Q That is your mother? A Yes, sir.
- Q Which of these ancestors you mentioned from Eutabee down to yourself lived in Mississippi in 1830? A Eutabee.
- Q You don't know whether Mary Lucinda Ogden or whether Francis M. Ogden lived in Mississippi in 1830? A No, sir.
- Q Did Francis M. Ogden's father ever live in Mississippi? A I don't know.
- Q And his father's name was Francis M. Ogden and he married Mary Lucinda Ogden? A Yes.
- Q Do you know whether they lived in Mississippi or Alabama in 1830 or at any time? A I do not.
- Q Did your great great grand-mother, Eutabee, live in Mississippi in 1830 and have a family there at that time? A I have been taught that.
- Q That is a matter of family history or tradition with you? A Yes, sir.
- Q How old would she be if now living? A I don't know.
- Q When did she die? A I do not know.
- Q When was she born? A I don't know that either.
- Q Did she ever live anywhere else except in Mississippi? A No, sir.
- Q How much Choctaw blood did Eutabee have? A Full blood.
- Q How do you know she was a full blood? A It is what I have been taught.
- Q Did she live there or did any of your Choctaw ancestors live there in the old Choctaw Nation in 1830 and own or claim any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did she or any of your Choctaw ancestors, within six months of the ratification of the treaty of 1830, go to the United States Indian Agent and tell him that they wanted to remain and take lands in the old Choctaw Nation and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory between the years 1833 and 1838 or 1840? A It seems to me that she was with the Indians; I believe she was in that treaty.
- Q Did you ever hear that any of your Choctaw ancestors went from the old Choctaw Nation to Indian Territory between 1833 and 1838? A I think she had.
- Q Do you know much about it? A I heard she had.

The Choctaw Indians who stayed back there in the old Choctaw Nation, refusing to go to Indian Territory with the other Indians, were required, if they wanted to take advantage of the fourteenth article of the treaty of 1830, to go before the Indian Agent, Colonel Ward, within six months of the ratification of the treaty, and tell him that they wanted to remain and take lands in the old Choctaw Nation and become citizens of the states. A great many Choctaw Indians did this, whose names Colonel Ward failed to register. His neglect to do so caused a number of Choctaws to lose their lands and improvements in the old Choctaw Nation, both having been taken from them and sold by the government at its public land sales. This caused so many complaints among the Indians that in 1837 by

act of Congress approved March 3rd of that year a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved on August 23rd of that year another Commission was appointed for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commission and claimed benefits under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which would entitle them to select vacant government land in either of the states Mississippi, Alabama, Louisiana or Arkansas? A I don't know. If they did I don't remember.

This scrip was issued under act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had their lands taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Have you any other evidence or proof that you wish to submit in support of this application? A I believe not.
- Q Do you desire any time in which to show that you had a Choctaw ancestor who had a family in the old Choctaw Nation in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't know hardly how to decide on that.
- Q Have you an attorney? A We have not yet.
- Q Do you want your case considered with the case of Amanda I. Dunn, et al., M.C.R. 41, together with the cases of those applicants who claim under the same common ancestor? Yes, sir.
- Q What relation is Amanda I. Dunn to you? A Amanda I. Dunn is my grand-mother's half sister.

Case of Amanda I. Dunn, et al., M.C.R. 41 is here referred to for the purpose of consolidation.

Applicant has the appearance and personal characteristics of being descended from white parentage; has medium light hair, brown eyes, medium fair complexion; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

--5--

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 28th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 8 day of September, 1902.

B. Jones
Notary Public.

Muskogee, Indian Territory, February 17, 1903.

John F. Zachery,

Lamar, Arkansas.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mellie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida P. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5898
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

John F. Zachery, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tamie Birby.

Acting Chairman.

Registered.

M.C.R. 6220

CCT

Muskogee, Indian Territory, August 27, 1904.

John F. Zachery,

Lamar, Arkansas,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

RECORDED

Chairman.

No.

For Identification as a Mississippi Choctaw.

Date

Name John F. Lachery

Age 22 Blood 1/16

Post Office, Lamer, Ark.

Father: Calih, B. Lachery,

Mother: Anna J. "

Claims through mother

and Hattie May Lachery, C. W.

No Cla. - for mbr

~~Children:~~

Claims for self
alone

R. B. Emery

Choctaw MCR 6221

John Dorsey

See MCR 5968, 6222

MCR 6221

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

)):((

In the matter of the application of John Dorsey, et al.,
for identification as Mississippi Choctaws, consolidating the fol-
lowing applications:

John Dorsey, et al.,	M C R 6221
Matthew Dorsey,	M C R 5968
Bodine Dorsey,	M C R 6222.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
John Dorsey, et al.,

Original application of John Dorsey, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Marriage certificate of John Dorsey and Hester Nelson..	7
Marriage certificate of John Dorsey and Mary L. Powell.	8
Original application of Matthew Dorsey before the Dawes Commission for identification as a Mississippi Choctaw.	9
Original application of Bodine Dorsey before the Dawes Commission for identification as a Mississippi Choctaw.	14
Decision of the Commission refusing the applications in the consolidated case of John Dorsey, et al., applicants for identification as Mississippi Choctaws..	19

#6221.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 29, 1902.

In the matter of the application of John Dorsey for the identification of himself and his two minor children, James and Heloise Dorsey, as Mississippi Choctaws.

John Dorsey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Dorsey.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Tioga, Louisiana.
Q How long have you been living there? A About five months. I lived right below Alexandria all my life.
Q Where were you born? A In Raped Parish.
Q Have you always lived in Louisiana? A Always--was born and raised there.
Q What is your father's name? A John Dorsey.
Q Is he living? A No, he has been dead about 15 years.
Q Is your mother living? A Yes, sir.
Q What is her name? A Hester Dorsey.
Q Through which parent do you claim your Choctaw blood? A On my father's side.
Q How much Choctaw blood do you claim? A One-half; my father was a full blood.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know; if he has I don't know.
Q He has never been in the Territory? A Not that I know of.
Q Did he die in Louisiana? A Yes.
Q When did he die? A I believe it was in 1887.
Q How old was he when he died? A He must have been about 45 or 46 when he died--might have been over; I think he died in 1887.
Q About 15 years ago? He would be about 60 if living now? A Yes.
Q Did he always live in Louisiana? A I don't know if he did or not; I reckon he did.
Q Do you know whether he was married to Hester? A Yes, sir I have the certificate here.
Q Do you want to file this in your case? A Yes.

The marriage certificate of John Dorsey and Hester Nelson is entered by applicant and is filed marked Exhibit "A" and is made a part of the record in this case.

- Q Are you married? A Yes, sir.
Q What is your wife's name? A Mary Powell.
Q Her name is Mary L. Dorsey now? A Yes, sir.
Q Is she a white woman? A Yes, sir.
Q Is she living now? A Yes, sir.
Q Is this the marriage license and certificate of your marriage to Mary L. Powell? A Yes, sir.
Q You want to introduce this in evidence? A I guess so.

Marriage license and certificate of marriage of John Dorsey and Miss M. L. Powell, presented by applicant, and is here filed marked Exhibit "B", and made part of the record in this case.

- Q Do you make any claim for your wife as a Choctaw Indian? A No, sir.
Q Have you any children under twenty-one years of age for whom you wish to make application? A Yes, sir, two.
Q What are their names and ages? A James Dorsey, age 2, and Heloise Dorsey, age 10 months.
Q You make application for yourself and these two minor children? A Yes, sir.
Q How much Choctaw blood did your father claim? A He was a full blood.
Q Did you mother, Hester, have any Choctaw blood? A No, sir.
Q Was she a white woman? A Yes, sir.
Q Do you know where your father was born? A No, sir.
Q Do you know anything about his parents? A No, sir.
Q Did you ever know or see your father's father or mother? A No never did.
Q Did your father have an Indian name? A He was called John Dorsey--if he had I don't know it.
Q Did he speak the Choctaw language? A Yes.
Q Do you speak it? A A few words. I can understand a good deal.
Q Did your father ever live in the Choctaw Nation Indian Territory? A I don't know. I have never been in the Territory.
Q This is the first time you have ever been in the Territory? A Yes, sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities or the authorities of the United States to be admitted to Choctaw citizenship in Indian Territory? A No, sir never did. I have a half-brother who has I think.
Q Did you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under act of Congress of June 10, 1896? A I don't know sir.
Q Did you ever hear of any such application? A No, sir.
Q You were not here in 1896? A No, sir, I never was here before.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A Not that I knew of.
Q Have you ever, prior to this time, made application to either the

Choctaw tribal authorities of the United States for yourself and children to be enrolled as citizens of the Choctaw Nation Indian Territory? A No, sir.

Q Have you ever applied to the Choctaw tribal authorities or the United States Court for citizenship in the Choctaw Nation either for yourself or children? A Never have.

Q You now come before the Commission to identify yourself and children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article fourteen? A No, sir.

This treaty of 1830 was entered into on the 27th of September of that year between the United States and the Choctaw Nation, at a place called Dancing Rabbit Creek in Mississippi. At the time the treaty was made the Choctaw Indians occupied a portion of the state of Mississippi and a small portion of the state of Alabama along its western boundary line. The object of the treaty was to secure the consent of the Choctaws to remove to the Choctaw Nation Indian Territory. Before the treaty was signed it was found that a great many Choctaws would not go to the Indian Territory and in order to protect those Indians that remained in the old Choctaw Nation article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuities."

That article required that in case a Choctaw decided to remain in the old Choctaw Nation in Mississippi and Alabama and become a citizen of the states, he should, within six months of the ratification of the treaty, which was done by Congress on February 24, 1831, appear before the government agent and signify to him--that is, let him know that he wanted to remain and become a citizen of the states and take land there. After having done that he was entitled, as the head of a family, to a section of six-hundred and forty acres of land, and for each child unmarried over the age of ten years he was entitled to one half that quantity, and for such child as might be under

ten years of age he was entitled to a quarter section of 160 acres, the reservations of the children to adjoin the reservation of the parent, and also to include any improvements owned by the head of the family at the time the treaty was made. He should also reside on the land for five years after which he would be given a title therefor--a deed or patent to the land. The last clause is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuities."

That means that those Choctaws who remained in the old Choctaw Nation, accepted land and resided on the same the required length of time, did not lose their right to Choctaw citizenship in the Choctaw Nation Indian Territory, but they did lose any right to participate in the yearly payments of money to the Choctaws by the government under treaty provisions.

- Q That is a full explanation of the treaty of 1830. Do you understand article fourteen of that treaty well enough to claim under it? A I don't know.
- Q You understand that the object of the fourteenth article was to get the Indians to leave the old Choctaw Nation and go to the Indian Territory? A I don't know.
- Q You understand it as fully as you would if explained further? A I guess I do.
- Q Do you know the name of any of your Choctaw ancestors who lived in Mississippi and Alabama on September 27th, 1830, when this treaty was made? A I don't know any of them.
- Q Don't you know the name of any of your Choctaw ancestors who complied or attempted to comply with the provisions of that fourteenth article of the treaty of 1830? A I don't know nothing about it at all.
- Q You have testified that you know nothing about your father's parents? A I don't know a thing about it.
- Q Do you know where your father was born? A No, sir, I don't.
- Q Did you ever hear your mother state where she was born? A She was born down on Cojah Lake.
- Q Do you know how old your father would be if living now? A No, sir, I don't.
- Q Do you know whether he lived in Mississippi or Alabama in what was known as the old Choctaw Nation in 1830 and was the head of a family there then? A I could not tell you to save my life.
- Q You are unable to state anything about your father and mother or ancestors? A No, sir.
- Q Have you any record of the birth or death of your father? A No, sir.
- Q Do you know whether any of your Choctaw ancestors owned any improvements in what was known as the old Choctaw Nation in 1830? A I don't know nothing about it.
- Q Do you know whether any of your Choctaw ancestors removed to what is now the Choctaw Nation in Indian Territory between the years

- 1833 and 1838 or 1840? A I don't know to save my life.
- Q Do you know whether any of your Choctaw ancestors received any land from the United States as beneficiaries under article fourteen of the treaty of 1830? A I don't know.
- Q Did you ever hear your father say he did? A No.
- Q Or that his father or mother did? A I don't know.
- Q Did you ever hear of any deed or patent in existence in your family or your father's family which would tend to show that any of your Choctaw ancestors received land in the old Choctaw Nation from the United States government? A No.

In accordance with the fourteenth article of the treaty of 1830 the government directed an Agent in the old Choctaw Nation to register the names of those Choctaws who wanted to stay and take land under the provisions of said article. The records show that a number of Choctaw Indians appeared before the Indian Agent and signified their intention of remaining in the old Choctaw Nation and becoming citizens of the states. The Agent, Colonel Ward, neglected to register the names of a great many of these Choctaws who came before him, and owing to this neglect the Indians who were not registered lost their lands and improvements, both having been sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act of Congress approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved August 23rd of that year another Commission was appointed for the same purpose which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commission and claimed benefits under article fourteen of the treaty of 1830? A I never heard of it.
- Q You have no knowledge of any of your ancestors receiving any land from the United States government under article fourteen of the treaty of 1830? A No, sir.
- Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land taken from them by the government and sold at its public land sales.

- Q Have you any papers you want to file with the Commission in support of your application for identification as a Mississippi Choctaw? A No, sir.
- Q Is there anything further you want to say in your case? A I guess not. I just wanted to see if I could get on the roll.
- Q Is Matthew Dorsey your brother? A Yes, sir.
- Q He has been before this Commission has he not to be identified as a Mississippi Choctaw? A Yes, sir.

- Q Do you want to have your case and your brother's case considered together? A I guess so.

The case of Matthew Dorsey, M.C.R. 5968, is here referred to for the purpose of consolidation.

- Q Do you associate with white people principally or with Choctaws?
A There are no Choctaws down around there.
Q You don't understand the Choctaw language? A A little. What few Choctaws are there are scattered.
Q You claim to be one-half Choctaw? A Yes, sir.

This applicant has every appearance and feature of a person possessed of the Indian blood claimed by him. He has straight black hair, dark features, and black eyes. Has very little knowledge of the Choctaw language, having associated most of his life with white people. He testified that he had no knowledge of his ancestors beyond his father and mother; has no knowledge of any ~~active~~ compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of August, 1902, and that the foregoing is a full, true and correct copy of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me, this 15 day of September, 1902.

B. C. Jones
Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Dorsey, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

John Dorsey, et al.,	M.C.R. 6221
Matthew Dorsey,	M.C.R. 5968
Bodine Dorsey,	M.C.R. 6222.

--- D E C I S I O N ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John Dorsey for himself and his two minor children, James and Heloise Dorsey; by Matthew Dorsey for himself; and by John Dorsey for his minor brother, Bodine Dorsey, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said applications, and the records in the possession of the Commission, it does not appear that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Choctaw ancestor through whom they claim than the father of the principal applicants, who, according to the testimony, would be sixty years of age in 1902, and could not therefore, have been living in eighteen hundred and thirty. The record shows that the principal applicants are ignorant of the names of any of their ancestors other than their father. Although they have had more than two months in which to secure evidence tending to show who said ancestors were, they have not offered to submit such additional proof.

The evidence being insufficient to determine the identity of John Dorsey, James Dorsey, Heloise Dorsey, Matthew Dorsey and Bodine Dorsey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission

-3-

that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHIEF.

James D. Dyer

Acting Chairman.

CHIEF.

T. D. Needles

Commissioner.

CHIEF.

C. H. Brown

Commissioner.

Muskogee, Indian Territory,

DEC. 31 1902.

COPY.

M.C.R. 6221

Muskogee, Indian Territory, December 31, 1902.

John Dorsey,
Morgan, Louisiana.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Dorsey, et al., on reading the following applications for identification as Mississippi Choctaws:

John Dorsey, et al.,	M.C.R. 6221
Matthew Dorsey,	M.C.R. 5958
Bodine Dorsey,	M.C.R. 6222

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of John Dorsey, James Dorsey, Heloise Dorsey, Matthew Dorsey and Bodine Dorsey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

John Dorsey-2

" You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Ditty.

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 31, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Dorsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John Dorsey, et al.,	M.C.R. 6221
Matthew Dorsey,	M.C.R. 5968
Bodine Dorsey,	M.C.R. 6222

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of John Dorsey, James Dorsey, Heloise Dorsey, Matthew Dorsey and Bodine Dorsey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

M,McM & C-2

time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Muskogee, Indian Territory, January 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John Dorsey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 31, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John Dorsey, et al.,	M.C.R. 6221
Matthew Dorsey,	M.C.R. 5958
Bodine Dorsey,	M.C.R. 6222

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. M.C.R. 6221

M C R 5968
M C R 6221
M C R 6222

Muskogee, Indian Territory, January 31, 1903.

Robt. P. Hunter & Sons,
Attorneys at Law,
Alexandria, Louisiana.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask to be allowed additional time within which to furnish further proof in the consolidated Mississippi Choctaw case of John Dorsey, et al. You state that the applicants did not receive the letter of the Commission notifying them of the refusal of their application until the time allowed them to file arguments had expired, and ask "what is the nature of the proof that would be required."

In reply to your letter you are advised that the fifteen days from December 31, 1902, heretofore granted the applicants in this case, expired on January 15, 1903. On January 16, 1903, the record in the case, together with the decision of the Commission refusing the several applications therein, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence.

The several applicants included in this consolidated

R. P. H. & Sons 2

case will be notified of such ~~action~~ as may be taken by the Secretary of the Interior.

Respectfully,

Acting Chairman.

D.C. 2000-1903
I.T.D. 1714-1903.
L.R.S.

C O P Y.
J.W.H.
F.H.E.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

March 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 16, 1903, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of John Dorsey (M C R 6221), for himself and his two minor children, James and Heloise Dorsey; of Matthew Dorsey for himself; and of John Dorsey for his minor brother, Bedine Dorsey, including your decision of December 31, 1902, which was adverse to the applicants.

The principal applicants are the children of John Dorsey, a full blood Choctaw born about 1842, who was married to their mother, Hester Dorsey, a white woman, in 1879, in Louisiana, and died in 1887. They know nothing relative to their more remote ancestors.

It further appears that these applicants came to the Choctaw Nation with a band of full blood Choctaws from the vicinity of Tullis and Tioga, Louisiana.

The reasons for your decision appear as follows:

"The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Choctaw ancestor through whom they claim than the father of the principal applicants, who, according to the testimony, would be sixty years of age in 1902, and could not therefore, have been living in eighteen hundred and thirty. The record shows that the principal applicants are ignorant of the names of any of their ancestors other than their father. Although they have had more than two months in which to secure evidence tending to show who said ancestors were, they have not offered to submit such additional proof."

Reporting in the matter February 13, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

The Department concurs therein, and your decision is hereby affirmed.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

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Land.
4581-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington. Feb. 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application of the following parties for identification as Mississippi Choctaws: John Dorsey for himself and his two minor children, James and Heloise Dorsey; Matthew Dorsey for himself, and John Dorsey for his minor brother, Bodine Dorsey, wherein a decision adverse to the applicants was rendered by the Commission on December 31, 1902.

The testimony in this case shows that the applicants are unable to give the names of Choctaw ancestors of 1830, nor whether they were recognized citizens of the tribe in Mississippi or Alabama at that time, or whether they had an improvement or complied with the provisions of the 14th article of the Choctaw treaty of 1830. They are also unable to give the names of the parents of the principal applicants, who were not born in 1830.

Consequently the office has been unable to make an examination of its records in regard to their ancestors complying or attempting

to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

It is believed that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed)

A. C. TONNER,

Acting Commissioner.

(E.B.H.)
P.

COPY:

Muskogee, Indian Territory, April 6, 1903.

John Dorsey,

Tioga, Louisiana.

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the Consolidated case of John Dorsey et al., of which decision you were advised by registered mail on the 31st day of December 1902.

Respectfully,

C. R. Brockinridge.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, April 6, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Dorsey et al., of which decision you were advised by mail on the 31st day of December 1902.

Respectfully,

C. B. Dickinson.
Commissioner in Charge.

Consolidated Case
of

John Horsey & al

John Dorsey (Jr.)
- deat
mar
Hester Nelson
- w.

m.b.p.
6221

John Dorsey 28- $\frac{1}{2}$
mar
Mary L. Powell
- w.

mar
5968

Matthew Dorsey 21- $\frac{1}{2}$

mar
6222

Bodine Dorsey 16- $\frac{1}{2}$

m.b.p.
6221

James Dorsey 2
Heloise Dorsey 10 m

No.

For Identification as a Mississippi Choctaw.

Date

Name John Dorsey -

Age 28

Blood $\frac{1}{2}$ - -

Post Office, Tioga, La.

Father: John Dorsey, d

Mother: Hester " l.

Claims through father -
wife Mary ~~to~~ L. Dorsey, w. l.

No claim for wife.

Children:

James Dorsey, 2

Heloise " 10 m.

Claims for self
and 2 minors

Stamp: R. B. Ewing -

Choctaw MCR 6222

Bodine Dorsey

by
John Dorsey

See MCR 6221

MCR 6222

#6222.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., August 29, 1902.

In the matter of the application of Bedine Dorsey for the identification of himself as a Mississippi Chectaw.

John Dorsey being first duly sworn testified in reference to the application which he makes for his brother, Bedine Dorsey, as follows:

Examination by the Commission:

- Q Your name is John Dorsey? A Yes, sir.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Tiega, Louisiana.
Q Have you on this date made application to be identified yourself as a Mississippi Chectaw? A Yes, sir.
Q You claim to be one-half Chectaw? A Yes, sir.
Q You have a brother name Bedine Dorsey? A Yes.
Q How old is he? A Sixteen.
Q He is at present with you? A Yes, sir.
Q Do you make this application in his behalf because he is a miner and his father is dead? A Yes, sir.
Q Did he get his Chectaw blood through his father or mother? A Father.
Q Is he a full brother of yours? A Yes, sir.
Q Is his mother a white woman? A Yes, sir.
Q How long has his father been dead? A He has been dead about 15 years.
Q How much Chectaw blood do you claim for your brother Bedine? A One-half.
Q Through the father? A Yes, sir.
Q Is his post office address the same as yours, Tiega, Louisiana? A Yes, sir.
Q Has he always lived in Louisiana? A Yes, sir.
Q Did his father, John Dorsey, have an Indian name? A If he did I don't know nothing about it.
Q Does he claim any Chectaw blood at all through his mother or his mother's ancestors? A No, sir.
Q Is his mother, Hester, living in Tiega now? A Yes, sir.
Q How old is she? A About 45 or 46.
Q How old would his father, John Dorsey, be if now living? A I don't know.
Q Do you remember when he died? A I think in the year 1887. He died after the June overflow in 1886.
Q Could you tell how old he was when he died? A He must have been about 45; I can't tell exactly.

- Q Can you tell when and where Bodine's father and mother were married? A In Alexander, Louisiana.
- Q Do you remember the date? A No I don't know the date at all.
- Q You have introduced the certificate of the marriage in your case? A Yes, sir.
- Q You would like to have it considered in this? A Yes, sir.
- Q Have you met a brother named Matthew? A Yes, sir.
- Q He has been before this Commission to be identified as a Mississippi Chectaw? A Yes, sir.
- Q Do you want these cases consolidated and considered together? A Yes, sir.

The case of Matthew Dorsey, M.C.R. 5968, is here referred to for the purpose of consolidation.

- Q Is your brother Bodine married? A No, sir.
- Q You make this claim for him do you? A Yes, sir.
- Q Do you know whether his father, John Dorsey, was ever recognized in any way or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
- Q Is his name on any of the tribal rolls of the Chectaw Nation in Indian Territory? A No, sir.
- Q Has any one made application for your brother Bodine for citizenship in the Chectaw Nation to the Chectaw tribal authorities in Indian Territory? A No, sir.
- Q Has any one ever made application for him for citizenship in the Chectaw Nation to the Dawes Commission under act of June 10, 1896? A No, sir.
- Q Has he ever been admitted to citizenship in the Chectaw Nation by either the Chectaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A Not that I knew of.
- Q Has any one, prior to this time, made application to any authority for Bodine Dorsey to be admitted or enrolled as a member of the Chectaw tribe of Indians? A Never until to-day.
- Q You now come before the Commission claiming under article fourteen of the treaty of 1830, the same one I explained to you? A I guess so.
- Q Do you understand that article? A No I don't.

This treaty of 1830 was made between the United States and the Chectaw Nation at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year. The object of the treaty was to secure the removal of all Chectaw Indians from the old Chectaw Nation in Mississippi and Alabama to the Chectaw Nation, Indian Territory. Before the treaty was signed it became known that a great many of the Chectaws would not go to the ~~sixties~~ Indian Territory, and in order to protect the interests of these Chectaw Indians who remained in the old Chectaw Nation article fourteen was drafted and put into the treaty.

Applicant-- I don't understand it.

Examiner-- I am trying to explain it. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't.
- Q What is the name of the Choctaw ancestor through whom you claim the right for Bodine Dorsey to be identified as a Mississippi Choctaw? A His father.
- Q John Dorsey? A Yes.
- Q Do you know whether John Dorsey claimed through his father or mother, or both? A I don't know sir.
- Q You claim that John Dorsey was a full blood? A Yes, sir.
- Q Did John Dorsey live in Mississippi? A I don't know.
- Q Did he ever live in Alabama? A I don't know to save my life.
- Q Do you know if his father or mother ever lived in Mississippi or Alabama? A I don't know.
- Q Can you give me the name of any Choctaw ancestor of Bodine who lived in Mississippi or Alabama, in the old Choctaw Nation, in 1830, and was the head of a family there at that time? A No, sir.
- Q Did any of the Choctaw ancestors of your brother, Bodine, ever own any improvements on land in the old Choctaw Nation in Mississippi, in 1830 or 1831? A No, sir.
- Q Did any of the Choctaw ancestors of your brother go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A I could not tell to save my life.
- Q Did any of the Choctaw ancestors of your brother, within six months after the ratification of the treaty of 1830, go before Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, take lands there and become citizens of the states? A No, sir, I could not tell to save my life.
- Q Did any of the Choctaw ancestors of your brother, Bodine Dorsey, own any land or claim any land in the old Choctaw Nation in 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go before the Indian Agent, Colonel Ward, within six months

after the ratification of the treaty, and tell him that they wanted to remain in the old Choctaw Nation and take lands there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register, and his neglect to register these names caused a number of Choctaws to lose their lands and improvements in the old Choctaw Nation, both having been taken from them by the government and sold at its public land sales. So many complaints were made by these Choctaws who had lost their lands that in 1837 by an act of Congress approved March 3rd of that year, Congress appointed a Commission to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved on August 23rd, of that year, another Commission was appointed for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Both of these Commissions made lists of names of Indians who appeared before them, and some of the claims of those upon the lists were allowed while others were rejected by the authorities at Washington.

- Q Do you know whether any Choctaw ancestors of yours or your brother's appeared before either of these Commissions referred to and claimed benefits under article fourteen of the treaty of 1830?
A No, sir, I don't.
- Q Do you know whether the ancestors of your brother received any scrip from the United States government which entitled them to select vacant government lands in the states of Mississippi, Alabama or Louisiana or Arkansas?
A No, sir, I don't.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold.

- Q Is there anything further you wish to say in support of this claim for your brother, Bedine?
A Not that I knew of.
- Q He claims to be a half blood Choctaw the same as you?
A Yes, sir.

The brother for whom John Dorsey made this application is now in person before the Commission. He claims to be a one-half blood Choctaw Indian and in the opinion of the Commission his personal appearance, the color of his hair, his complexion and his eyes would indicate that he was at least a half blood Choctaw Indian as his brother claims he is.

- Q Does your brother speak or understand the Choctaw language?
A Just one or two vulgarity words he knows.

Bedine Dorsey does not speak or understand the Choctaw language, and, according to the testimony of his brother, John Dorsey, he has no knowledge of any active compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public.

Muskogee, Indian Territory, December 31, 1902.

Bodine Dorsey,
Care of John Dorsey,
Tioga, Louisiana.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Dorsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John Dorsey, et al.,	M.C.R. 6221
Matthew Dorsey,	M.C.R. 5968
Bodine Dorsey,	M.C.P. 6222

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of John Dorsey, James Dorsey, Heloise Dorsey, Matthew Dorsey and Bodine Dorsey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

Bodine Dorsey-2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Bodine Dorsey
Acting Chairman.

Registered.

M C R 5968
M C R 6221
M C R 6222

Muskogee, Indian Territory, January 31, 1903.

Robt. P. Hunter & Sons,
Attorneys at Law,
Alexandria, Louisiana.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask to be allowed additional time within which to furnish further proof in the consolidated Mississippi Choctaw case of John Dorsey, et al. You state that the applicants did not receive the letter of the Commission notifying them of the refusal of their application until the time allowed them to file arguments had expired, and ask "what is the nature of the proof that would be required."

In reply to your letter you are advised that the fifteen days from December 31, 1902, heretofore granted the applicants in this case, expired on January 15, 1903. On January 16, 1903, the record in the case, together with the decision of the Commission refusing the several applications therein, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence.

The several applicants included in this consolidated

R. P. H. & Sons 2

case will be notified of such action as may be taken by the Secretary of the Interior.

Respectfully,

Acting Chairman.

M.C.R. 6222.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Bodine Dorsey,
Tioga, La.

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Dorsey, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name *Bodine Housley* ($\frac{1}{2}$)
 by his brother, *John Housley* ($\frac{1}{2}$)
 Age 16 — Blood $\frac{1}{2}$

Post Office, *Troga, La*
of minor

Father: *John Housley* d

minor, *Heater* " l.w.

Mother: *Heater* " l.w.

minor
 Claims through *father*

~~Children:~~

Claim, for
~~to~~ see his brother,

Choctaw MCR 6223

John Gaddis

See MCR 6226, 6227, 6127, 6124
6136, 6125, 6128, 6224, 6129, 6225

MCR 6223

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of John Gaddis, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

John Gaddis, et al.,	M.C.R. 6223
John T. Gaddis,	M.C.R. 6226
William C. Burden, et al.,	M.C.R. 6227
Lezinka Thompson, et al.,	M.C.R. 6127
Georgia Eller McCarley, et al.	M.C.R. 6124
Harmon M. Gaddis, et al.,	M.C.R. 6136
Maggie Lee Thompson, et al.,	M.C.R. 6125
Goodie Vestal, et al.,	M.C.R. 6128
Louisa Reeves, et al.,	M.C.R. 6224
Mirtie Gaddis,	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of John Gaddis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of John T. Gaddis to the Dawes Commission for identification as a Mississippi Choctaw-----	10
Original application of William C. Burden, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	15
Original application of Lezinka Thompson et al., to the Dawes Commission for identification as Mississippi Choctaws-----	19

Original application of Georgia Eller McCarley et al., to the Dawes Commission for identification as Mississippi Choctaws-----	25
Affidavit of Georgia McCarley-----	33
Commission to take depositions-----	35
Depositions of George Washington Dikes-----	36
Commission to take depositions-----	47
Deposition of John Gaddis-----	48
Original application of Harmon M. Gaddis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	60
Original application of Maggie Lee Thompson et al., to the Dawes Commission for identification as Mississippi Choctaws-----	66
Original application of Goodie Vestal, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	72
Original application of Louisa Reeves, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	78
Original application of Mirtie Gaddis to the Dawes Commission for identification as a Mississippi Choctaw-----	83
Original application of Harrison F. Madewell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	88
Decision of the Commission refusing the applica- tions in the consolidated case of John Gaddis, et al., for identification as Mississippi Choctaws-----	93

#6223

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskeges, I.T., August 29, 1902.

In the matter of the application of John Gaddis for the identification of himself and his five minor children, Alense, Roscoe, Here, Jonnie May and William C. Gaddis, as Mississippi Chectaws.

John Gaddis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Gaddis.
- Q What is your age? A I can't tell exactly.
- Q Tell as near as you can? A I suppose I am about 52 years old as near as I can tell.
- Q What is your post office address? A Dallas, Texas.
- Q How long have you lived in Texas? A About 17 years off and on.
- Q Where did you live before that? A In Kentucky.
- Q Where were you born? A In Tennessee.
- Q Where in Tennessee? A I was born in Overton County, Tennessee.
- Q From Tennessee you went where? A To Kentucky.
- Q Where did you live in Kentucky? A Allen County.
- Q How long did you live in the state of Kentucky? A I lived there-- I don't know exactly--not very many years.
- Q From Kentucky you went where? A To Texas.
- Q Is your father living? A No.
- Q Is your mother living? A No.
- Q What was your father's name? A John Gaddis.
- Q What was your mother's name? A Mary E. Gaddis.
- Q Through which parent did you get your Chectaw blood? A My mother.
- Q How much Chectaw blood do you claim? A My grand-father was three-quarter Chectaw, so I am told.
- Q How much do you claim? (No answer).
- Q Your grand-father was three-quarter Chectaw and you claim through him? A Yes.
- Q Your mother would be one-half of three-quarters which would be three-eighth, and one-half of three-eighth is three-sixteenth, what you claim? A Yes, sir.
- Q You say you claim through your grand-mother? A My grand-father.
- Q What was your grand-father's name? A Charley Madewell.
- Q And he was a three-quarter blood Chectaw you say? A Yes, sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Are you married? A Yes, sir.

- Q What is your wife's name? A I have been married twice.
Q Have you children by both? A Yes, sir.
Q What was your first wife's name? A Mary J. McCoy.
Q Is she dead? A Yes, sir.
Q Was she a white woman? A Yes, sir.
Q What was your second wife's name? A Alice Miller.
Q That was her maiden name was it? A Yes.
Q Is she living? A Yes.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q Do you make any claim for your wife? A No, sir.
Q Have you any minor children you want to make application for? A Yes, sir.
Q Have you any minor children by your first wife? A Yes, sir, I have three.
Q Give their names and ages, beginning with the eldest? A Alonzo Gaddis; he is 17 years old.
Q What is the name of the next? A Roscoe Gaddis, 15 years old.
Q What is the next? A Here; he is 12 years old.
Q These are your children by Mary J. Gaddis? A Yes, sir.
Q Now give me the other minor children's names and ages?
A Jennie May Gaddis, six years old.
Q Is Jennie May Gaddis a girl? A Yes.
Q What is the next? A William C. Gaddis, two years old.
Q Is that all the minor children you have? A Yes, sir.
Q Is Alice Gaddis the mother of these last two named children? A Yes, sir.
Q When and where were you married to your first wife, Mary J. Gaddis? A Allen County, Kentucky.
Q What was the date? A In 1876.
Q What day and month? A Fourteenth of October.
Q Were you married under a license by a minister? A Yes, sir.
Q When and where were you married to Alice? A Same place.
Q Do you remember the day of the month and year? A December 23rd, nine years ago next December.
Q Have you the marriage license and certificates of both marriages with you? A I have not got them.

You should introduce the proof of your marriage with Mary J. McCoy and Alice Miller in order to substantiate the application you make for your minor children.

- Q Do you think you can introduce such proof within 15 days? A I would like to have a little more time if I can get it.
Q Is there any evidence you wish to introduce now or do you want time? A I have some other witnesses.

Thirty days time will be allowed this applicant in which to introduce testimony in support of his application, and also to furnish proof of his marriages.

- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A Yes, sir.
Q You must be careful about your answers. Is your name or the names of any of your minor children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Na-

- tion for yourself or any of these minor children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or these minor children to the Dawes Commission under act of June 10, 1896? A No, sir.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application of any kind you have ever made for citizenship for yourself or your minor children to any authority? A Yes, sir.
- Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830, or do you understand that article? A I don't know if I do.

This treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi and was concluded on September 27th of that year. The object of the treaty was to secure the removal of all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed, however, it became known that a large number of Choctaws would not go to the Indian Territory, but preferred to remain in the old Choctaw Nation in Mississippi and Alabama. In order to protect the interest of those who remained back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. An article is one of the sub-divisions or section of a treaty. Later on, on the 24th day of February, 1831, the treaty was ratified. This article fourteen mentioned is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q That is article fourteen of the treaty of Dancing Rabbit Creek, or the treaty of 1830. You claim under that do you? A Yes, sir. My grand-father was from 1812 to 1833 in Mississippi.
- Q Do you know whether any of your ancestors or your grand-father complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't.

- Q Your grand-father's name was Charley Madewell, was it? A Yes.
- Q How much Choctaw blood did you say he had? A Three-quarter Choctaw.
- Q What was his wife's name? A Charity Ricketts.
- Q Was she a white woman? A She was part Indian herself.
- Q Do you claim through Charity Ricketts? I want to know through whom you claim? A I claim through my grand-father. I don't know how much Choctaw blood Charity Ricketts had--I could not say.
- Q Both your grand-father and grand-mother are dead I presume? A Yes, sir.
- Q Do you know whether your grand-father lived in Mississippi or Alabama? A In Mississippi.
- Q Was he living in Mississippi in 1830? A Yes, sir.
- Q Did he have a family of children living with him at that time? A Yes, sir.
- Q Can you tell what children were living with him then? A I don't know.
- Q Give the names of those you remember? A There was Anthony Madewell.
- Q How many children did he have? A I will have to sort of count them. There was five boys and four girls.
- Q Give the names of the boys? A Harris, Jim, Charles and Isaiah.
- Q Give the names of the girls? A Sarah, Betty, Charity and Mary E.
- Q Can you give the names of Anthony Madewell's children? A No, sir.
- Q Do you know who he married? A Yes, sir. He married Nancy Douglass--I believe her name was.
- Q Do you know who Harris Madewell married? A Yes, a Phillips.
- Q What was her full name? A Elizabeth, I believe.
- Q Has Anthony ever been before the Commission or is he dead? A He is dead.
- Q Is Harris dead? A He is dead. I suppose so.
- Q Is Elizabeth, his wife, living? A She is dead.
- Q Have any of her children been before the Commission? A No, sir.
- Q Can you give the names of her children? A Sarah.
- Q Where is Sarah living now? A In Tennessee the last I knew.
- Q How old is she? A She is older than I am. I suppose there is not much difference in our ages.
- Q Whom did she marry? A She was not married the last account I had.
- Q Do you know where in Tennessee she lived? A In VanBuren County.
- Q Is Jim living? A I don't know if he is or not.
- Q Who did he marry? A Phillips.
- Q What was her Christian name? A Sarah.
- Q Can you tell who their children were? A No, sir I don't know. I knew part of their names. We had one boy by the name of Jim and one boy by the name of Charley; the balance I don't know.
- Q Is this son, Jim, married? A Yes, sir.
- Q Do you know his wife's name? A Yes, sir, I think I know. It is Becky Charles.
- Q Whom did Charley marry? A I think he married a Phillips.
- Q What was her Christian name? A Nancy.
- Q Are Jim and Charley living? A No, Charley is dead.
- Q Is Jim living? A He was the last account I had.
- Q Where is Jim living? A In VanBuren County, Tennessee.
- Q Has Jim been before the Commission? A No.
- Q Has Nancy Phillips? A No.
- Q Do you know whether Jim and Becky have any children? A I don't know.

- Q Have Charley and his wife Nancy any children? A Not that I know of.
- Q Now Charles, another son of Jim Madewell, is he dead? A Yes, sir.
- Q When did he marry? A He is the one I told you awhile ago I thought married a Phillips.
- Q You want to change your testimony about Charley, the son of Jim. Do you know anything about him being married? You don't mean that he is dead. When you said Charley you meant Charley Madewell--you meant the brother of Jim and Anthony? A Yes, sir, the old man.
- Q Then as you have changed your testimony you refer to the ~~old~~ Charley Madewell whose father's name was also Charley Madewell and whose brothers were Anthony, Harris, Jim and Isaiah? A Yes, sir.
- Q Do you know anything about Isaiah if he is living? A He is not living.
- Q Do you know when he married? A Yes, sir I think I do. He married a woman by the name of Frankie Whistenhunt.
- Q Did they have any children? A Yes, sir.
- Q Do you know their names? A Yes, sir.
- Q How many? A Four.
- Q Any of them married? A Well there is one married, but they are all dead.
- Q Mary E. Gaddis is your mother? A Yes, sir.
- Q Is Sarah living? A I don't know whether she is or not.
- Q Was she married? A No, sir.
- Q How about Betty? Has she a family? A Her children is all dead and her too.
- Q Sarah is living? A Yes, sir.
- Q Did Betty's children leave any children? A No, sir.
- Q Charity, did she marry? A No, sir.
- Q Is she dead? A No, sir.
- Q Who did your mother, Mary E. Gaddis, marry? A John Gaddis first; she was married twice.
- Q Her maiden name was Mary E. Madewell, was it? A Yes, sir.
- Q Who was her second husband? A Elias Wallace.
- Q How many children did your mother have? A There was so many of us I will have to count them up. There was nine children--one by the last husband.
- Q What is the name of the eldest? A Jacob.
- Q Gave the names of the rest? A Jim, Beckey, Crockett, Adeline, Susan, Darthulery and John Gaddis.
- Q You have only named eight then? A Yes, that is all.
- Q These are all brothers and sisters of yours? A All but Darthulery she is only a half sister.
- Q All these others are Madewells except Darthulery whose name is Gaddis. A Yes, sir.
- Q Is Jacob married? A Yes.
- Q Who did he marry? A Tennessee Bailey.
- Q Is Jacob living? A No, sir.
- Q Has Jacob and Tennessee Bailey any children living? A Yes, sir.
- Q How many? A I think about nine.
- Q Can you name them? A Yes, sir.
- Q Is Jim Gaddis living? A Yes, sir.
- Q Who did he marry? A Sarah Lewis.

Q Have they any children? A No, sir.
Q Is Beckey Gaddis married? A Yes.
Q Is she living? A No, sir.
Q Whom did she marry? A Turner Burden.
Q Have they any children? A Yes.
Q How many? A Three.
Q Name them? A William Crockett, Jim and Mary L.
Q Are any of them married? A Yes, sir.
Q Which ones? A All Three.
Q Who did William Crockett Burden marry? A Jennie B. Kirby.
Q Who did Jim Burden marry? A Tealy Russell.
Q Who did Mary L. Burden marry? A George Bradley.
Q Is Crockett Gaddis living? A No, sir.
Q Who did he marry? A He was not married.
Q Is Adeline Gaddis married? A No, sir.
Q Is Susan living? A Yes, sir.
Q Is Adeline dead? A No, sir.
Q Who did Susan marry? A Jim Richards.
Q How many children did they have? A Four I think.
Q Can you name them? A William Richards, Tom Richards, Cleveland Richards and Sallie Richards.
Q Is William Richards married? A Yes, he married Elisa Bradley.
Q Who did Tom Richards marry? A He was not married.
Q Who did Cleveland Richards marry? A No one.
Q Who did Sally marry? A I never learned his name.
Q Did Barthulery marry? A Yes, sir.
Q Is she living? A Yes.
Q Who did she marry? A James Bregden.
Q Did they have any children? A Yes.
Q Do you know them? A Yes, sir.
Q How many are there? A I declare I don't know how many--five or six I reckon.
Q Are some of them married? A Yes, one of them is.
Q Is John Gaddis married? A That is myself.
Q You married who? A Mary J. McCoy.
Q And also? A Alice Miller.
Q You say that Jacob Gaddis who married Tennessee Bailey had nine children? A Yes, sir.
Q Name them? A Loxinka.
Q She made application as Loxinka Thompson (M.C.R. 6127)? A Yes.
Q Name the next? A Georgie Ella.
Q Who did she marry? A Andy McCarley.
Q Has she been before the Commission? A Yes, sir, I think she has.
Q What makes you think so? A She has been here.
Q Name the next? A Maggie Thompson.
Q Has she been before the Commission? A Yes, sir.
Q You are sure she has been before the Commission? A She said she had, is all I knew.
Q Who did Maggie marry? A Bob Thompson.
Q How many children had they? A One I think.
Q What was its name? A Lillian Ruth.
Q Name the next? A Melvin Gaddis.
Q Has he been before the Commission? A He said so.
Q Is he married? A Yes.
Q Who did he marry? A Lizzie Thompson.
Q Have they any children? A Yes, sir, one.
Q What was its name? A Thelma May.

- Q Name the next? A Louisa Gaddis.
Q Who married her? A Felix Reeves.
Q Any children? A Two.
Q Name them? A Edna, Myrtle.
Q Name the next? A Goodie Vestal.
Q Next? A Doots.
Q Is that a man's name? A No, it is a girl.
Q Is she married? A Yes, sir.
Q Who did she marry? A Harrison Madewell.
Q Have they any children? A One.
Q What is its name? A Ester Green.
Q Is she married? A No, sir.
Q Next? Mirtie Gaddis.
Q How old is she? A I don't know.
Q She is not married? A No.
Q Next? A Jennie May Gaddis.
Q That is all is it? A That is all I think of. There is one more--
Kate.
Q Is she married? A Yes.
Q Who did she marry? A Will Estel.
Q Have they any children? A No, sir.
Q Can you give the names of the children of Darthulery Wallace who
married James Bregdon? A Some of them I can--there was Edward
Bregdon.
Q Is he married? A No, sir.
Q Next? A Albert.
Q Who did he marry? A Bettie Montgomery.
Q Next? A Charlie.
Q Who did Charlie marry? A He was not married.
Q Can you give the names of any others? A No.
Q Who is Harmon H. Gaddis? A Harmon is Melvin Gaddis.
Q Melvin Gaddis married Lizzie Thompson and gave his name as Harmon?
Is Harmon the same as Melvin? A The same.
Q Then it should be Harmon Melvin Gaddis? A Yes, sir.
Q Do you know whether your ancestor, Charley Madewell, owned any
improvements on land in the old Choctaw Nation in Mississippi
and Alabama in 1830? A I don't know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation
to the Choctaw Nation Indian Territory with the other Indians
between the years 1833 and 1838 or 1840? A Not that I knew of.
Q Did any of your Choctaw ancestors, within six months of the rati-
fication of the treaty of 1830, go before the Indian Agent, Colo-
nel Ward, and tell him they wanted to take lands in the old Choctaw
Nation and become citizens of the states? A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any land
in the old Choctaw Nation in 1830? A I don't know.
Q You never heard that Charley Madewell did? A No, sir.

The Choctaw Indians who stayed east of the Mississippi river were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go within six months after the ratification of the treaty to Colonel Ward, the Indian Agent, and tell him that they wanted to stay there in Mississippi and take lands there and become citizens of the states. Many

Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. This neglect on the part of the Agent caused the Indians who were not registered and had went before him within the time required to lose their lands and improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints on the part of the Choctaws that in 1837 by act of Congress approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved August 23rd of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government lands in the states of Mississippi, Alabama, Louisiana or Arkansas? A Why I think my grand-father used to get scrip.
- Q Do you know what that scrip was? A No I don't. He got money out of it.
- Q These certificates were issued to get land--not money. A He had scrip for something--I don't know what. He left it with Captain Cummings.
- Q When did he get that scrip? A I heard of him getting it before the war came up.
- Q Did he get it in 1842? A I don't know.
- Q What did he get it for? A I suppose it was for money.
- Q Who was Captain Cummings? A He was one of the most foremost men there.
- Q What did he have to do with it? What became of the scrip? A I don't know.
- Q Was there any land selected under that scrip? A Not that I knew of.
- Q Have you any evidence of such scrip being given to Charley Madewell, your ancestor? A Only what I heard my mother talk about.
- Q How long did Charley Madewell live in Mississippi? A These men who said they saw him said he was there in 1812 and said they knew him somewhere in 1830 and 1835.
- Q Where did he die? A In Tennessee.
- Q He went from Mississippi to Tennessee? A Yes.
- Q Do you know when he left Mississippi and went to Tennessee? A Somewhere about 1832 or 1833. I don't know exactly.
- Q Did he die in Tennessee? A Yes, sir.
- Q Do you know anything further about him having received scrip and who he received it from? A Only what mother said about Captain Cummings.
- Q Is there anything more you want to say in support of this application? A Nothing more. I want to know about the witnesses.
- Q Do you talk Choctaw? A No, sir, I guess not.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair and whiskers, complexion somewhat tanned by exposure to the sun;

--9--

does not speak or understand the Choctaw language, and has no knowledge of any ~~active~~ compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Mirtle Gaddis, M.C.R. 6129, Lezinka Thompson, M.C.R. 6127, Goodie Vestal, M.C.R. 6128, and Harmon M. Gaddis, M.C.R. 5126, have all been before the Commission to be identified as Mississippi Choctaws. They are all relatives of yours and claim through the same common ancestor.

Q Do you want your case to stand as the chief application and the others to come under it? A Yes, sir.

The case of John Gaddis, et al., M.C.R. 6223 is made, at his request; the consolidated case of all those applicants claiming through the same common ancestor, Charley Madewell, and includes the above cases.

R. B. Eisenberg, after being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, taken on August 29th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15th day of September, 1902.

B. C. Jones
Notary Public.

11

COPY.

4a.L.
Cov.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Gaddis, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

John Gaddis, et al.,	M.C.R. 6223
John T. Gaddis,	M.C.R. 6226
William C. Burden, et al.,	M.C.R. 6227
Lezinka Thompson, et al.,	M.C.R. 6127
Georgia Ellor McGarley, et al.,	M.C.R. 6124
Harmon M. Gaddis, et al.,	M.C.R. 6136
Maggio Lee Thompson, et al.,	M.C.R. 6125
Goodie Vostal, et al.,	M.C.R. 6128
Louisa Reeves, et al.,	M.C.R. 6224
Mirtie Gaddis,	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

--- D E C I S I O N ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by John Gaddis for himself and his five minor children, Alonzo,
Roscoe, Nero, Jonnie May and William C. Gaddis; by John T. Gaddis
for himself; by William C. Burden for himself and his six minor
children, Robert D., Mary M., James F., John T., Rebecca V. and
Pearl Burden; by Lezinka Thompson for herself and her three minor

Children, Flossie, Edward and Gertrude Thompson; by Georgia Eller McCarley for herself and her three minor children, Jacob Roy, Malcol~~m~~ Lee and Robert Dewey McCarley; by Harmon M. Gaddis for himself and his minor child, Thelma May Gaddis; by Maggie Lee Thompson for herself and her minor child, Lillian Ruth Thompson; by Goodie Vestal for herself and her three minor children, Clarence, Ida and Charles Vestal; by Louisa Reeves for herself and her two minor children, Edna Ruth and Myrtle Reeves; by Mirtie Gaddis for herself; and by Harrison F. Madewell for himself, his wife Dootie Madewell, and his minor child, Esther Greene Madewell, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495:)

"Said Commission shall have authority to determine the identity of Choctaw Indians claimin~~g~~ rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Charley (or Charles) Madewell (or Maidwell), who is alleged to have been a three-fourths blood Choctaw Indian, and Charity Madewell (or Maidwell) nee Ricketts, who is alleged to have been possessed of some Choctaw Indian blood, degree thereof not stated, both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civ-

alized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charley (or Charles) Madewell (or Maidwell), or Charity Madewell (or Maidwell) nee Ricketts, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nere Gaddis, Jonnie May Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary E. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madewell, Dote Madewell and Esther Greene Madewell, as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

John R. Richey

Acting Chairman.

(SIGNED)

T. B. Woodies.

Commissioner.

C. R. ...

Commissioner.

Muskogee, Indian Territory,

JAN 28 1903

COPY.

Muskogee, Indian Territory, January 28, 1903.

John Gaddis,

Dallas, Texas.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lezinka Thompson, et al.	M.C.R. 6127
Georgia Eller McCarley, et al.	M.C.R. 6124
Harmon M. Gaddis, et al.	M.C.R. 6136
Maggie Lee Thompson, et al.	M.C.R. 6125
Goodie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6224
Mirtie Gaddis	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

John Gaddis,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nero Gaddis, Jomdie Ray Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McCarley, Jacob Roy McCarley, Malcolm Lee McCarley, Robert Dewey McCarley, Harman M. Gaddis, Thelma Ray Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madewell, Doctie Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. G. Gaddis
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 28, 1903.

Pansfield, McMurray & Cornish

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., ordering the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lezinka Thompson, et al.	M.C.R. 6127
Georgia Eller McGarley, et al.	M.C.R. 6124
Harmon M. Gaddis, et al.	M.C.R. 6136
Raggie Lee Thompson, et al.	M.C.R. 6125
Goddie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6224
Mirtie Gaddis	M.C.R. 6129
Harrison P. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

"Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nero Gaddis, Jonnie Ray Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden

Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McGarley, Jacob Roy McGarley, Malcolm Lee McGarley, Robert Dewey McGarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Goodie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Mirtie Gaddis, Harrison F. Madewell, Dottie Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John Gaddis, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 28, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

John Gaddis, et al.,	M.C.R. 6223
John T. Gaddis,	M.C.R. 6226
William C. Burden, et al.,	M.C.R. 6227
Lesinka Thompson, et al.,	M.C.R. 6127
Georgia Eller McCarley, et al.,	M.C.R. 6124
Harmon M. Gaddis, et al.,	M.C.R. 6136
Maggie Lee Thompson, et al.,	M.C.R. 6125
Goodie Vestal, et al.,	M.C.P. 6128
Louisa Reeves, et al.,	M.C.R. 6224
Mirtie Gaddis,	M.C.R. 6129
Harrison F. Madewell, et al.,	M.C.R. 6225

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. B. B. B.

Wm. B. B.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 6223

Acting Chairman.

M C R 6224
M C R 6223

Muskogee, Indian Territory, February 27, 1903.

Louisa Reeves,
#170 Porter Street,
Dallas, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and ask that you be allowed further time in which to submit additional evidence.

In reply to your letter you are informed that the fifteen days from January 28, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 12, 1903. On February 13, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to offer arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

Land
11541-1903

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

March 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on January 28, 1903.

John Gaddis for himself and his five minor children, Alonzo, Roscoe, Nero, Johnnie May and William C. Gaddis; John T. Gaddis; William C. Burden, for himself and his six minor children, Robert E., Mary M., James F., John T., Rebecca M. and Pearl Burden; Lezinka Thompson, for herself and her three minor children, Flossie, Edward and Gertrude Thompson; Georgia Eller McCarley, for herself and her three minor children, Jacob Rey, Malcolm Lee and Robert Dewey McCarley; Harmon M. Gaddis for himself and his minor child, Thelma May Gaddis; Maggie Lee Thompson for herself and her minor child, Lillian Ruth Thompson, Goodie Vestal, for herself and her three minor children, Clarence, Ida and Charles Vestal; Louisa Reeves, for herself and her two minor children, Edna Ruth and Myrtle Reeves; Mirtie Gaddis for herself; and Harrison F. Madewell, for himself, his wife Dootie Madewell and his minor child Esther Greene Madewell.

The office has examined the evidence in this case, and it appears that the applicants claim identification by reason of their descent from Charley (or Charles) Madewell (or Maidwell) or Charity Madewell (or Maidwell) nee Ricketts, who, it is alleged, were citizens of the Choctaw Nation and residents of Mississippi in 1830.

The Commission states in its decision that its records do not show that Charley (or Charles) Madewell (or Maidwell), or Charity Madewell (or Maidwell) nee Ricketts, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined with reference to this case, and the names of Charles or Charley Madewell (or Maidwell) or Charity Madewell or Maidwell nee Ricketts, are not to be found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have therefore, to recommend that the decision of the Commission be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner

E. B. F. H'r

D.C.10906
ITD 3106-1903
LRS

COPY
DEPARTMENT OF THE INTERIOR?
WASHINGTON,

JWH
FHE
April 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 13, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of John Gaddis (M.C.R. 6223), for himself and his five minor children, Alonzo, Roscoe, Nero, Jonnie May and William C. Gaddis; of John T. Gaddis for himself; of William C. Burden for himself and his six minor children, Robert E., Mary M., James F., John T., Rebecca M., and Pearl Burden; of Lexinka Thompson for herself and her three minor children, Flossie, Edward and Gertrude Thompson; of Georgia Eller McCarley for herself and her three minor children, Jacob Roy, Malcolm Lee and Robert Dewey McCarley; of Harmon M. Gaddis for himself and his minor child, Thelma May Gaddis; of Maggie Lee Thompson for herself and her minor child, Lillian Ruth Thompson; of Goodie Vestal for herself and her three minor children, Clarence, Ida and Charles Vestal; of Louisa Reeves for herself and her two minor children, Edna Ruth and Myrtle Reeves; of Mirtle Gaddis for herself; and of Harrison F. Madewell for himself, his wife Doote Madewell, and his minor child, Esther Greene Madewell, including your decision of January 28, 1903, refusing to identify them as such.

These applicants are the descendants of Charley Madewell, a three-fourths blood Choctaw, and his Indian wife, Charity Ricketts,

whose quantum of Choctaw blood is unknown. Descent is claimed from them through two of their children, viz: Mary E. Gaddis and Anthony Madewell.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 20, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure

M.C.R. 6223.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by mail on the 28th day of January, 1903.

Respectfully,

James D. Smith
Chairman.

M.C.R. 6223.

Muskogee, Indian Territory, April 27, 1903.

John Gaddis,

Dallas, Texas.

Dear Sir:

You are heroby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

Chairman.

MOR 6223
3908-1908

Muskogee, Oklahoma, February 17, 1908.

Mr. Harmon M. Gaddis,
811 Main Street,
Dallas, Texas.

Sir:

Replying to your letter of February 2nd you are advised that the consolidated Mississippi Choctaw case of John Gaddis, et al., of which your application is a part, has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and there is now no authority of law for further consideration of this claim.

Respectfully,

Acting Commissioner.

McM

Consolidated Case
of
John Sadding et al

. 2 2 5

or Charles Madewell

Charley Madewell $\frac{3}{4}$
(dead)

mar
Charity Ricketta
dead

(7/8?)
Mary E. Madewell $\frac{3}{8}$
dead

mar
① John Gaddis
(dead)

② Elias Wallace

mer
6223

John Gaddis 52 $\frac{3}{16}$

mar

① Mary J. McCoy
dead w.

② Alice Miller
w.

mer
6223

Alonzo Gaddis 17

Roscoe Gaddis 15

Nero Gaddis 12

Jennie May Gaddis 6

William C. Gaddis 2

mer
6223

John T. Gaddis 21 $\frac{3}{12}$

wife

Hattie Gaddis
w.

mer
6223

Rebecca Gaddis
(dead)

mar

William T. Burden

William C. Burden 32 $\frac{3}{12}$

wife

Jennie Belle Burden
w.

Darthulery Williams

mar

James Brogden

Edward Brogden

Albert

Charlie

mer
6223

Robert E. Burden 13

Mary M. Burden 10

James F. Burden 9

John T. Burden 8

Rebecca M. Burden 6

Pearl Burden 2

Mary E. Gaddis
Cont'd

Mary E. Madewell - Jacob Gaddis
mar dead
John Gaddis - Tennessee Ellen Bailey
mar - w - dead

men
6127
Lezinka Gaddis 34 -
Ed Thompson (dead)
Flossie Thompson 10
Edward Thompson 8
Bertrude Thompson 6m
men
6124
Georgia Ellen Gaddis 30
Andrew Jackson McCauley - w -
men
6124
Jacob Roy McCauley 10
Malcolm Lee McCauley 5
Robert Dewey McCauley 3m
men
6136
Harmon M. Gaddis 29 1/2
Lizzie Gaddis
wife
Thelma May Gaddis 6 wks
men
6125
Maggie Lee Gaddis 27
Robert Lander Thompson
men
6128
Boodie Gaddis 27
Charles Vestal
men
6128
Johnnie Gaddis 13
men
6224
Louisa Gaddis 22
Felix Reeves - w -
men
6129
Mintie Gaddis 19
Kate Gaddis
Will Estell
men
6125
Lillian Ruth Thompson 7
men
6131
Clarence Vestal 7
Ida Vestal 3
Charles Vestal 9m
men
6224
Edna Reeves 3
Myrtle Reeves 1

Charles Madewell
Cont'd.

Charles Madewell

Anthony Madewell
dead
mar
Nancy Douglass

mar
6225

Harrison F. Madewell 32

mar
6225

mar
+ Doots Gaddis 24

Esther Greene Madewell 6

+ Father is Jacob Gaddis
mother " Tennessee Gaddis
L. W.

For Identification as a Mississippi Choctaw.

Date

Name John Gaddis -

Age 52 (?) Blood 3/16

Post Office, Dallas, Texas.

Father: John Gaddis d.Mother: Mary E. " d

Claims through mother -

wife (1)

Mary Jane Gaddis (d) w

wife (2)

Alice Gaddis (d) w.

No claim for wife -

Children:

Alonzo Gaddis - 17Rose " 15Nero " 12(Mother, Mary Jane Gaddis)
of 3 first childrenJonnie May Gaddis, F. 6William C. " 2(Mother, Alice Gaddis)
of 2 last children -

Claims for step and 3:

POOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 6224

Louisa Reeves

See MCR 6223

MCR 6224

#6224.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T., August 29, 1902.

In the matter of the application of Louisa Reeves for the identification of herself and her two minor children, Edna Ruth and Myrtle Reeves, as Mississippi Choctaws.

Louisa Reeves being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Louisa Reeves.
Q What is your age? A Twenty-two.
Q What is your post office address? A Dallas, Texas.
Q How long have you lived in Texas? A Fifteen years.
Q Where were you born? A In Kentucky.
Q Where in Kentucky? A Allen County.
Q How long have you lived in Dallas? A I have lived in Dallas ever since I was in Texas.
Q Is your father living? A No, sir.
Q What is your father's name? A Jacob Gaddis.
Q Is your mother living? A No, sir.
Q What was her name? A Tennessee Gaddis.
Q Do you claim through your father or your mother? A My father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you? A No, sir.
Q Do you know when and where they were married? A No, sir.
Q Were they married by a minister under a license? A Yes, sir.
Q Are you married? A Yes.
Q Is your husband living? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q What is his name? A Felix Reeves.
Q Do you make any claim for him? A No.
Q What is the name and age of your oldest child? A Edna Ruth. She is three years old.
Q What is the name of the next? A Myrtle.
Q How old is she? A One year old.
Q You claim for these two children do you? A Yes, sir.
Q Is Felix Reeves the father of these two children? A Yes,

- Q Are you and he living together as husband and wife and are these children living with you? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these minor children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Dawes Commission under act of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article or not? A I don't know if I do or not.

The treaty of 1830 was made between the United States and the Choctaw Nation at a place called Dancing Rabbit Creek in Mississippi, and was concluded September 27th of that year. The object of the treaty was to secure the removal of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed, however, it became known that a large number of Choctaws would not go to the Indian Territory, and in order to protect the interests of those Choctaws who desired to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.

- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830? A I don't know.
- Q What relation is John Gaddis to you? A He is my uncle.
- Q Did you hear him say anything about a man named Charley Madewell? A Yes.
- Q Who was Charley Madewell and what relation was he of yours? A I suppose he was a relation but I don't know what.
- Q Have you ever heard about him before? A I have heard of him.
- Q What have you heard about him? A I have heard them speak of him and that is about all.
- Q Did you ever hear that he was related to you in any way? A Well I know he was if to Uncle John.
- Q What relation was he to you? (No answer).
- Q Your uncle John said that Charley Madewell was his grand-father? A He would be my great grand-father.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did you know who his wife was? A No.
- Q Did you ever hear who his wife was? A No, sir.
- Q Did you ever hear that he lived in Mississippi or Alabama in the old Choctaw Nation and was the head of a family there? A I have heard them say he did.
- Q Who? A My father and uncle John too.
- Q Do you know where he lived in Mississippi? A No.
- Q Did he live in Mississippi or Alabama? A I don't know.
- Q Do you know whether Charley Madewell claimed his Choctaw blood through his father or his mother? A No I don't.
- Q You don't know how much he had? A No, sir.
- Q You claim through your father? A Yes.
- Q And he claimed through whom--his father or mother? A Through his mother.
- Q What was her name? A I don't know what her name was.
- Q Did she make claim through her father or her mother? A I don't know.
- Q You don't know anything about your Choctaw ancestors further than what you stated? A No.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Choctaw Indians between the years 1833 and 1836 or 1840? A No, sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830 or 1831? A Not that I know of.
- Q Did any of your Choctaw ancestors, within six months of the ratification of the treaty of 1830, go before Colonel Ward and tell him that they wanted to remain and take land in the old Choctaw Nation and become citizens of the states? A No, sir.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A No, sir, I think not.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required if they wanted to take advantage of the provisions of article fourteen of that treaty, to go before Colonel Ward, the Indian

Agent, and tell him that they wanted to remain and take lands in the old Choctaw Nation and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. His neglect to do so caused a number of Choctaws to lose their lands and improvements in the old Choctaw Nation, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed rights under article fourteen of the treaty of 1830? A No, sir, I never heard of it.

The act of Congress, approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and also proved that his lands had been taken from him in the old Choctaw Nation by the government and sold, he should be entitled to select land in either Mississippi, Alabama, Louisiana, or Arkansas, and a certificate be given him to that effect.

- Q Did any of your Choctaw ancestors receive any of this scrip from the United States government? A Not that I know of.
Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything further you wish to say in support of this claim? No, sir.
Q Would you like to have your case considered in connection with other applicants who claim through the same common ancestor? A Yes..

The case of John Gaddis, et al., M.C.R. 6223, is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage; she has dark hair, nearly black, dark brown eyes, medium dark complexion; does not speak or understand the Choctaw language, and has no knowledge of any ~~such~~ compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

--5--

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, ~~xx~~ taken on the 29th day of August, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public.

Muskogee, Indian Territory, January 28, 1903.

Louisa Reeves,

Dallas, Texas.

Dear Madam:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6883
John T. Gaddis	M.C.R. 6886
William C. Burden, et al.	M.C.R. 6887
Lezinka Thompson, et al.	M.C.R. 6127
Georgia Eller McCarley, et al.	M.C.R. 6124
Hermon H. Gaddis, et al.	M.C.R. 6136
Maggie Lee Thompson, et al.	M.C.R. 6125
Goodie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6884
Mattie Gaddis	M.C.R. 6139
Harrison F. Madowell, et al.	M.C.R. 6335

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Louisa Reeves,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Hero Gaddis, Jomalo Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Flossie Thompson, Edward Thompson, Gertrude Thompson, Georgia Eller McGarley, Jacob Roy McGarley, Malcolm Lee McGarley, Robert Dewey McGarley, Harmon M. Gaddis, Thelma May Gaddis, Maggie Lee Thompson, Lillian Ruth Thompson, Fannie Vestal, Clarence Vestal, Ida Vestal, Charles Vestal, Louisa Reeves, Edna Ruth Reeves, Myrtle Reeves, Lottie Gaddis, Harrison T. Madewell, Dote Madewell and Esther Greene Madewell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James H. Hoge
Voting Chairman.

Registered.

M C R 6224
M C R 6223

Muskogee, Indian Territory, February 27, 1903.

Louisa Reeves,
#170 Porter Street,
Dallas, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and ask that you be allowed further time in which to submit additional evidence.

In reply to your letter you are informed that the fifteen days from January 28, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 12, 1903. On February 13, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to offer arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

N.O.R.6224.

Muskogee, Indian Territory, April 27, 1903.

Louisa Reeves,
Dallas, Texas.

Dear Madam:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

Chairman.

No.

5321

For Identification as a Mississippi Choctaw.

Date

Name Louisa Reeves

Age 22

Blood Don't Know

Post Office, Dallas, Texas,

Father: Jacob Maddis, d.

Mother: Tennessee " d.

Claims through father —
husband Felix Reeves - 1

No claim for
husband

Children:

Edna Ruth Reeves. 3

Myrtle " 1

Claims for 2

minors — —

Stenographer

R. B. Eidenberg.

Choctaw MCR 6225

Harrison F. Madewell

See MCR 6223

MCR 6225

#6225.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 29, 1902.

In the matter of the application of Harrison F. Madewell for the identification of himself, his wife, Doote Madewell, and his minor child, Esther Greene Madewell, as Mississippi Choctaws.

Harrison F. Madewell, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Harrison F. Madewell.
Q What is your age? A Thirty-two.
Q What is your post office address? A Dallas, Texas.
Q How long have you lived in Texas? A Twelve years.
Q How long have you lived in Dallas? A Twelve years.
Q Where did you live before that? A In Kentucky.
Q Were you born in Kentucky? A No, sir. I was born in Tennessee.
Q Where in Tennessee? A Smith County.
Q And lived in Tennessee how long? A My father moved to Kentucky while I was a small boy.
Q How long did you live in Kentucky? A About 12 years.
Q Where did you live in Kentucky? A Allen County.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Anthony Madewell.
Q What is your mother's name? A Nancy Madewell.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A Well I don't know how much it would be. It would be the same as Mr. Gaddis claims.
Q Do you mean John Gaddis who made application for identification to-day? A Yes, sir.
Q What relation is he to you? A Cousin.
Q First cousin? A Yes.
Q Was your father and his father brothers? A His mother and my father was sister and brother.
Q You claim the same quantity of blood he claims? A Yes, sir.
Q Well he said he claimed three-sixteenth. Do you know whether you do or not? A I guess so.
Q Well do you want to swear whether or not you have three-sixteenth? A No, sir, I don't want to swear to it.
Q You really don't know? A I don't know.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Ter-

- ritory? A Not that I know of.
- Q When and where were your father and mother married? A I think in Alabama.
- Q Whereabouts in Alabama? A Warren County.
- Q Were they married by a minister under license? A Yes, sir.
- Q Do you know what date? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Dootie.
- Q Is she a twin sister of Goodie Vestal? A Yes, sir.
- Q Is she living? A Yes, sir.
- Q How old is she? A Twenty-four.
- Q Is she a Choctaw Indian or a white woman? A She claims to be part Choctaw. She has the same Choctaw blood as the other Gaddis girls.
- Q Do you make application for your wife? A I would like to.
- Q Her maiden name was what? A Dootie Gaddis.
- Q Was her father's name Jacob Gaddis? A Yes, sir.
- Q Is he living? A No, sir.
- Q Was he a white man or a Choctaw Indian? A He claimed to be part Choctaw.
- Q Do you know how much? A No, sir.
- Q What was your wife's mother's name? A Tennessee Gaddis.
- Q Is she living? A No, sir.
- Q Both her father and mother are dead? A Yes.
- Q Was Tennessee Gaddis a white woman? A Yes, sir.
- Q Does your wife, Dootie Madewell, claim her Choctaw blood through the same ancestor through whom you claim, Charley Madewell? A Yes, sir.
- Q What relation are you then to your wife? A Second cousin.
- Q And your ancestry and her's is the same, coming through the same common ancestor, Charley Madewell? A Yes, sir.
- Q What relation was Charley Madewell to your wife? A Great grandfather.
- Q Has your wife's father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
- Q You are not able to state how much Choctaw blood your wife claimed through her ancestor? A No.
- Q Have you any children under twenty-one years of age for whom you wish to make application? A Yes, sir, one.
- Q What is its name? A Esther Greene Madewell.
- Q How old is she? A Six years.
- Q You claim for yourself, your wife and your minor child do you? A Yes, sir.
- Q When and where were you married? A In Dallas.
- Q When? A 23rd day of December, 1893.
- Q By a minister under a license? A Yes.
- Q Have you the proof of that marriage with you? A No, sir.

You should introduce proof of the marriage of your father and mother and of yourself and Dootie Gaddis. Thirty days time will be allowed you for that purpose.

- Q Is your name, the name of your wife or of your minor child on any of the rolls of the Choctaw Nation? A Not that I knew of.

- Q Have you ever made application for yourself or for your wife or minor child to the Choctaw tribal authorities for citizenship in the Choctaw Nation Indian Territory? A No, sir.
- Q Have you ever made application for yourself or for your wife or minor child for citizenship in the Choctaw Nation to the Dawes Commission under act of June 10, 1896? A No, sir.
- Q Have you, your wife or your minor child ever been admitted to Choctaw citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No,,sir.
- Q Do you now come before the Commission to identify yourself, your wife and your minor child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Not very well.

The treaty of 1830 between the United States and the Choctaw Nation was made at a place called Dancing Rabbit Creek in Mississippi, and was concluded September 27th, of that year. The object of the treaty was to secure the removal of all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed, however, it became known that a great many Choctaws would not go to Indian Territory, and in order to protect the interest of those who remained in the old Choctaw Nation article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ~~and~~ over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know whether any of your Choctaw ancestors or your wife's ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No,sir, I don't.
- Q What is the name of the Choctaw ancestor through whom you claim the right to identification? A Charley Madewell.
- Q Is he also your wife's ancestor? A Yes,sir.
- Q Was he your grand-father? A Yes, sir.
- Q And how was he related to your wife? A Grand-father.

- Q Do you take your blood from Mary E. Madewell? A No.
- Q Who from? A My father, Anthony Madewell.
- Q Now who is the ancestor of your wife, going back to her grand parents? A Charley Madewell.
- Q Who did he marry? A Nancy Madewell.
- Q What was her maiden name? A I have forgotten.
- Q Would you remember if it was suggested to you? A Yes, sir.
- Q Was it Nancy Phillips? A I don't think it was.
- Q Well Charles, son of Charley Madewell, married Nancy Phillips, so John Gaddis has testified? A Charles Madewell was my uncle-- one of them.
- Q Now I want to know through which one of these sons or daughters Charley Madewell, your ancestor, gets his blood? A Mary Gaddis.
- Q Was Mary E. Gaddis married? A Yes she married John Gaddis.
- Q Now John Gaddis, who married Mary E. Madewell, had how many children? A I don't know sir.
- Q Which of these children were the ancestor of your wife? A Jacob Gaddis.
- Q Who married Tennessee Bailey? A Yes, sir.
- Q Now do you know whether your ancestor and your wife's ancestor, both being the same common ancestor, lived in Mississippi in 1830? A I don't know only by hearsay.
- Q Have you heard of it in the family? A I have heard them say so.
- Q And heard he had a family living with him in Mississippi in 1830? A Yes, sir.
- Q In other words he was the head of a family and living in the old Choctaw Nation in 1830? A Yes, sir.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he have an Indian name? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q Did he own any improvements on land in the old Choctaw Nation in 1830 or 1831? A Not that I know of.
- Q Did he go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833, and 1838 or 1840? A No, sir.
- Q Did any of your Choctaw ancestors, within six months of the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to remain and take lands in the old Choctaw Nation and become citizens of the states? A Not that I know of.
- Q Did any of your wife's ancestors do so? A I don't know.
- Q Did any of your ancestors or your wife's ancestors own or claim any land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your ancestors or your wife's ancestors, and in particular the Charley Madewell the common ancestor of both yourself and wife, go before the Commission appointed by Congress by act of Congress approved March 3rd, 1837, or before the Commission appointed by act of August 23rd, 1842, for the purpose of hearing claimants under article fourteen of the treaty of 1830, and claim any benefits as a Choctaw Indian or Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.

You will understand that these two commissions were appointed by Congress under different acts to hear Mississippi Choctaw claimants who claimed that they had gone before Colo-

- Q Did any of your Choctaw ancestors or your wife's ancestors receive any scrip from the government which enabled them, or in particular Charley Madewell, the common ancestor of yourself and your wife, to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land taken from them by the government? A Not that I know of.

This scrip was issued under act of Congress approved August 23rd, 1842.

- Q Has your cousin, John Gaddis, been before this Commission to be identified as a Mississippi Choctaw? A Not before to-day.
- Q Has he been to-day? A Yes, sir.
- Q Other of your relatives have applied to the Commission before? A Yes, sir.
- Q Would you like all the so cases considered with yours under the principal case of John Gaddis, et al., M.C.R. 6223? A Yes, sir.

Case of John Gaddis, et al., M.C.R. 6223 is here referred to for the purpose of consolidation.

- Q Is there anything more you want to say in support of this application? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

Applicant has the appearance and personal characteristics of being descended from white parentage; he has black hair, dark brown eyes and medium dark complexion; mustache not quite so dark as hair--redish in tint; does not speak or understand the Choctaw language and has no knowledge of any ~~sort of~~ compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. J. J. Carter, Clerk, first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of August, 1908, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on s
said date.

Subscribed and sworn to before me this 15 day of September, 1902.

B. C. Jones
Notary Public

Muskogee, Indian Territory, January 22, 1903.

Harrison F. Madewell,
Dallas, Texas.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Gaddis, et al., embracing the following applications for identification as Mississippi Choctaws:

John Gaddis, et al.	M.C.R. 6223
John T. Gaddis	M.C.R. 6226
William C. Burden, et al.	M.C.R. 6227
Lezinka Thompson, et al.	M.C.R. 6127
Georgia Elmer McGarley, et al.	M.C.R. 6124
Harron M. Gaddis, et al.	M.C.R. 6136
Hag is Lee Thompson, et al.	M.C.R. 6128
Gordie Vestal, et al.	M.C.R. 6128
Louisa Reeves, et al.	M.C.R. 6224
Mittie Gaddis	M.C.R. 6129
Harrison F. Madewell, et al.	M.C.R. 6225

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Harrison F. Hadewell, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Gaddis, Alonzo Gaddis, Roscoe Gaddis, Nero Gaddis, Jennie Gaddis, William C. Gaddis, John T. Gaddis, William C. Burden, Robert E. Burden, Mary M. Burden, James F. Burden, John T. Burden, Rebecca M. Burden, Pearl Burden, Lezinka Thompson, Elsie Thompson, Edward Thompson, Gertrude Thompson, Georgia Thompson, Jacob Roy McGarley, Malcolm Lee McGarley, Robert Roy McGarley, Thomas H. Gaddis, Charles Ray Gaddis, Alice Lee Thompson, Lilian Ruth Thompson, G. Lee Vestal, Charles Vestal, Ella Vestal, Charles Vestal, Louise Reeves, John With Haven, Lytle Haven, Little Gaddis, Harrison F. Hadewell, et al. All of the above are Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this case, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Noting signature.

to Interior.

COPY.

M.C.R. 6225.

Muskogee, Indian Territory, April 27, 1903.

Harrison F. Madewell,

Dallas, Texas.

Dear Sir:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Gaddis, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

SIGNED

Chairman.

For Identification as a Mississippi Choctaw.

Date

Name Harrison F. Madwell.

Age 32

Blood ^{1/2} Drift known

Post Office, Dallas, Texas.

Father: Anthony Madwell, d.

Mother: Nancy " d.

Claims through father
wife Looote Madwell, d. Choctaw.
father, Jacob Maddis, d. Choctaw.
mother, Tennessee, d. white.
wife claimed Choctaw, blood through
her father -

Children:

Ether Emma Madwell, 6

Claims for self wife
and child

Stenographer R. B. Leunberg

END
OF
ROLL

